

## City Council Work Session Transcript –03/24/2015

Title: ATXN 24/7 Recording

Channel: 6 - ATXN

Recorded On: 3/24/2015 6:00:00 AM

Original Air Date: 3/24/2015

Transcript Generated by SnapStream

=====

[9:11:05 AM]

>> Mayor Adler: I will call to order, we have a quorum, for the Austin city council work session, Tuesday March 24th, 2015. We are in the boards and commission room at city hall. It is 10 minutes after 9:00. On the agenda that we have, we have some executive session items. I'd recommend that we take those up at lunchtime so that we can do both those at the same time. That would have us then moving directly to the two briefings that we have. Initially to start off with. One about the Texas legislative session. The second one to discuss the boards and commissions appointment process. We have a lot of items that have been pulled for the agenda today. We also have some folks that are talking about -- Longley about the prior council process of having a hard stock. We haven't been doing that thus far as people get acclimated. One thing to think about with respect to these work sessions are ways that we might be able to save time at these meetings. So some things that we were thinking about that might be considered, we have the question-answer format for the agenda that's pending. There's not an opportunity to ask questions on the preliminary agenda, which might be something that we would want to work out so that people could ask questions a week earlier in time. And we could also consider the possibility of asking

[9:13:06 AM]

for more formatted backup in terms of the questions that are answered and we're not picking up on that backup opportunity. An additional opportunity thing that we might want to consider talking about is returning to the practice -- there used to be briefings for staff members, not councilmembers in the offices. So that staff can go home and then be able to ask questions for the councilmembers and come back. That was one of the casualties of the way that the public meeting system, we couldn't have all of the staff members there. We can certainly consider doing that by noticing that meeting. It would mean that there would not be a quorum of a councilmembers present while the staff was getting those questions, but I think we've already made the determination that a majority of us are okay with the council meeting in the absence of a quorum as long as we're not conducting business as allowed by Robert's rules, but that's an additional option. For us going forward. But I think that we should probably consider those kinds of things because if we actually go through all the pulled items that we have and the briefing and the executive session today, we would have another full day here at the work session. So I would just throw that topic out for people to consider and recognize that at any point in this work session, you know, a majority of the people here can stop it if they want to and say we've had enough

work session for the day on a motion and a vote. That said, let's go ahead and let's begin with the -- I'm sorry. >> There are a couple of items that I pulled that my staff has -- since I pulled

[9:15:06 AM]

them, been able to have some conversations with staff and affected parties. So I'll give you those Numbers and we can take them off the pulled list unless somebody else wants to look at them. >> >> Mayor Adler: Good. We'll begin with the first briefing, which is the legislative briefing. Are we prepared and ready to do that? Good morning. >> Morning, mayor, mayor pro tem, council. My name is Karen Canard and I'm with the governmental relations office. I'm here today to give you a brief overview of -- which way did I point this? Here to give you a brief overview of the legislative program. Specifically I'd like to discuss with you first the process of how the city of Austin's legislative program is developed, give you an overview of the 2015 legislative session and talk to you a little bit about some significant issues that are emerging in this session and specifically significant issues that are facing the city of Austin. Finally, I'd like to remind you of kind of the timeline of the legislative session and then answer any questions you may have regarding that. Before I get into the specifics of the 2015 legislative program, I'd

[9:17:07 AM]

like to provide you some context as to how this particular program was adopted. Last week I had an opportunity to sit down with John Hertzler to talk to him about the process that he uses to adopt the program and I learned that the process for adopting the program is somewhat of a two-step process, two separate tracks that run concurrently. Specifically there's a track involving the council, council staff and council appointees and then there's a part of the process that involves city management, city departments and city staff. And through this kind of two step, two-track process, the governmental relations office works to provide a proposed program. Okay. Under the first part of the process, the governmental relations office works with the councilmembers, council staff and council appointees through meetings and discussions to determine what specific issues of importance that the council may be interested in. It is through those meetings that some of the issues are fleshed out that you currently see in the 2015 program. There are also council resolutions that are brought forth and adopted, and those matters relate specifically to legislative issues that particular councilmembers have concerns about. Through those two issues, the meetings, the discussions and the resolutions, the council's legislative priorities are determined and those priorities are then put in to a draft legislative program. At the same time that the governmental relations office is working with the council and council staff

[9:19:07 AM]

and the appointees they're also working with city management, city departments and city staff on a similar track to determine the issues that are important to those folks. Specifically the governmental relations office sends out a survey to departments to get their input on issues that are impacting their operations or their financial decisions in the department. There are also meetings with departments and then there are meetings with the CMO staff to determine their input into the legislative program. So once those two tracks are finished, a draft proposed program is adopted or put together by the governmental relations staff, and that proposed program is embedded through the city manager's executive team where they provide input and refinement of that program. And once that proposal has gone through that step, the proposed program is then presented to council. And at council, council has the final opportunity to add, subtract or rearrange the issues and the program. After the council has done that, then the council finally adopts the program and it becomes the guiding document, the that

the governmental relations uses to Gordon or legislative initiatives. That process was followed during the 2015 program adoption and that's how we got to the document I think that is before you now. With that kind of context to the process for developing the program, I would now like to give you a high level overview of some of the issues that are currently in the city of Austin's 2015 legislative program. If you will look at the program, you will see that it starts with what we call some general principles and

[9:21:09 AM]

those general principles guide the office's work on some of the things that aren't specifically set out in the program. If you'll see in those general principles it says that Austin supports legislation that enhances our ability to solve problems and improve the quality of life for our citizens and that Austin will oppose legislation that reduces the city's authority, increases the city's costs or otherwise erodes the city ability to govern its own local affairs. It says the city's goal is to work with other cities and the Texas municipal league in a collaboration of teamwork. And when the league's positions are consistent with ours it says that Austin will support those efforts and the efforts of other cities in their legislative matters, even when Austin is not directly impacted. So those are kind of the general guiding principles that the governmental relations office has used going into this legislative session. If you'll start to look further through the program you will see that the program is then divided into some primary issues. There are several of those kind of primary issues. The number one and two primary issues for this particular legislative session were protecting Austin energy and protecting the water utility. Lots of other different primary issues listed there. I'm not going to go through that whole list, but those are the specific types of issues that we look to to determine if there are bills that impact any of those specific matters listed there. If you go further down into the program you will see that it is divided into a section that talks about support items. And then it also has items that we will oppose, endorse and most of those issues,

[9:23:11 AM]

sometimes they come up during the legislative session, sometimes they don't, but we look to our, I guess, direction from those specific items listed there. I learned that the program this year had a new format in that items from council were specifically set out in the program. There were 14 items, I believe, from the 83rd legislative session that were adopted either during or after that session started. So the governmental relations office carried those forward to this program and you can see those are very specific items from council that the council has asked the governmental relations office to work on. And then there were two items from council that were adopted after this year's legislative program was adopted and those are listed also kind of at the end of the program. So that's a very high level review of what's in the program and how we go about administering that program over at the legislature. I'd now like to start with some of the most significant issues that have emerged during the legislative session. In February governor Abbott gave his state of the state address and in that address he identified five priorities as emergency items. And under the Texas constitution if the governor identifies emergency items, it means that those items can be taken up and adopted before the 60th day of the legislature has passed. The 60th day has passed so those items haven't been taken up yet and adopted, but they are moving their way through the session, but they form the basis of some of the most significant issues that have emerged this session. As in all sessions, the state budget is the most

[9:25:13 AM]

important thing that the legislature does. It is the only constitutionally mandated item that they are

required to pass during any legislative session. And so this year like all sessions, the budget is a really top item. The state this year is dealing with a surplus of funds, which is unusual from the last few legislative sessions, so with a lot of money the next issue has kind of bubbled up. The biggest -- one of the biggest issues there right now is tax cuts and tax reforms. Because of the budget surplus, the legislature is very interested in putting money back into the pockets of taxpayers. So lots of bills have been filed dealing with tax cuts, tax reform. Some of the items that we're concerned about is the city on the tax reform efforts are the appraisal cap and revenue cap bills. Those are couched in being able to give money back to the citizens, but some of those particular proposals have very negative impacts on the city of Austin and cities throughout Texas. The next big issue that has emerged is education, both public education and higher education. That was also in the governor's emergency declaration. And those issues basically deal with funding, providing more funding for public education and higher education. There are several other initiatives in that education agenda, including things like early childhood education, pre-k programs and things of that nature that the governor specifically set out in his call. And so those issues are taking a high profile at the legislature. The next issue is immigration and border security. Border security was also an issue in the governor's emergency declaration. Has to do more with providing more funding to

[9:27:13 AM]

put more bodies on the Texas border to deal with immigrants coming through the country illegally. That initiative is moving quickly through the session right now and it looks like it might be adopted in some form to give the Texas department of public safety additional funds to hire more people for those initiatives. The next big issue of course, something we're very interested in, transportation funding. There are lots of bills about trying to provide more sources of transportation funding. One of the biggest initiatives is to undo the kind of diversion of the gas tax, as probably most of you know, the gas stack is constitutionally supposed to go specifically to fund highways and roads, but the legislature has been diverting a significant amount of that funding for many, many years. And one of the governor's declarations is that he would like to see that diversion stopped. There are some other issues related to using the motor vehicle sales tax, either all of it or a portion of it, to also go into transportation funding. So those are the big items on that issue. And probably as most of you have read about, guns. That is a very big issue for the legislature this session. Open carry, campus carry and constitutional carry. The one that cities have been concerned about most is some of the provisions on open carry that would allow people to open carry at governmental meetings and some of them that redo some of the notices that you have to put up if you're going to prevent concealed handgun carriers from coming into places like public meetings.

[9:29:15 AM]

So those are a really high level overview of the hot takes, what everybody is talking about over there. I will next switch to kind of what we are focusing on. We definitely involved in some of the hot topic issues, but since bill filing was on March 13th our focus has really narrowed. If you look at the first two bills, senate bill 1945 and house bill 3958, have become our top priority right now. Senate bill 1945 is basically a bill by senator Frazier that provides for deregulation of Austin energy. Under the provisions of that bill, basically one customer or a group of customers who use more than 25 million kilowatts of service are allowed to go and petition the P.U.C. And ask the P.U.C. To determine whether or not the rates that this council sets for Austin energy are just and reasonable. Once the P.U.C. Receives a petition like that, they have to go out, study the market and make a determination on that. If the P.U.C. Determines that the rate that you've set are not just and reasonable, then those customers have the

opportunity to either go out into the retail market and purchase power or the P.U.C. Can set the rates for them. So that's a very big priority for us to stop that particular legislation. I will tell you it was filed -- 1945 there were about 1999 bills filed so it was filed on bill filing deadline day. We have our external lobby consultants have met with senator Frazier and talked to him about that bill. What we have heard is that he is interested in the city

[9:31:19 AM]

looking to maybe consider how we treat maybe some of our largest customers, some of the big industrial customers. It's our understanding that the Texas manufacturing association took this bill to him on behalf of some of our large industrial customers. And as some of you may know during the last rate case, there was discussions that we may no longer have the contracts with them that we have had for many years and during the rate case new rates were set and that they would roll off those contracts into the new rates that were set by the council. So we're going to schedule a meeting with the mayor to go and talk to senator Frazier about our serious concerns about that and working it very hard right now to try to understand a little better what his concerns are. We've had about a week to talk to him and had several people talk to him on our external lobby team, but I think that's kind of the gist of where that's coming from. The next bill is house bill 3958 by representative workman. That particular bill would limit the Austin energy general fund transfer to the city of Austin's general fund. Under the provisions of that particular bill, the bill has some very tight definitions of what Austin energy revenue can and can't be used for. So we have been speaking to representative workman about that. Unlike senate bill 1945, yesterday house bill 3958 was referred to the house urban affairs committee, so it appears that representative workman is moving this bill. Our external lobby consultants have talked to him. He is concerned and has been

[9:33:19 AM]

for a number of years about some of the things that are funded from the revenues of Austin energy and we're going to work with him to try to help him understand how there have been changes made related to that transfer. We've been working with the city's cfo, Elaine hart, on a white paper we're putting together. We should have that together in the next day or so. So that we can sit down more with representative workman and talk him through that. But this has been an issue that's been out there for several years. >> Tovo: Is it all right to ask a quick question while we're here? Does that white paper build on some of the other white papers done during the rate proposal that talked about the way in which other utilities also support general services? >> I will have to defer to Elaine. I know she's working on it, but. >> Tovo: My other question was more about what are the expenditures that are raising concerns for representative workman? >> Based on the conversations he has not listed general expenditures as of yet. I think that was just the initial conversation. When these bills got filed on that Friday, we started last Monday having folks go talk to him, so he hasn't listed specific concerns just yet. We're going to try to get that white paper and then have a more in-depth conversation with him. >> Tovo: Thank you. And Ms. Hart? >> We will build on all the work done before starting even before the rate -- new rates were considered in 2012, but if you will recall we did the work session with the council on general fund transfer and the payments, other payments, allocations

[9:35:21 AM]

to Austin energy which are similar to the ones that we allocate to the other enterprise funds: We did that work session in advance of the council changing the general fund transfer policy, which has actually

capped the transfer for five years now. So we will build on all of that and include some history of changes in payments, the payment streams and the things that -- changes that we've made over the last few years that have actually been of a benefit to Austin energy, one of which is the funding arrangement for the economic development department. They're actually paying much less of that support than they did back in the rate case. So I suspect -- I don't know, but I think that he's raising issues that were raised during the rate appeal, and we had written testimony that we'll refer back to as well. >> Tovo: Thank you. >> We'll include all of that in our response. >> Tovo: I appreciate that level of detail, thanks. >> You're also aware of the memo that we got from Austin energy with respect to the percentages that came out I think a week Friday. >> Yes, sir, I am. >> What is the limit? How is he trying to limit the transfer? >> By defining specifically what the revenues can be used for. There is a very long laundry list -- I'm sorry, I don't have it in front of me. A very long laundry list of what revenues from Austin energy can and can't be used for? And it also has the 12%, I think, non-fuel as the actual overall limit. But there's a specific list of uses of revenue. >> Mayor Adler: Okay. Please continue.

[9:37:21 AM]

>> The next couple of bills are bills that are just kind of -- well, all of these are kind of aimed squarely at us. The first two, the legislative lobby team is spending a lot of time on those. House bill 1939 by representative Rinaldi and nab 186 by senator Estes preempt the city of Austin's plastic bag ban. Senate bill 267 by senator Perry and house bill 2909 by representative Springer are bills that would preempt the city's source of income ordinance. Mayor Adler went over when the senate bill was heard and testified in the senate on it. That bill has come out of committee and senator Watson was able to put a grandfathering provision on the bill in committee. We are now working to keep the Watson amendment on the bill as it goes to the senate floor and we're spending a lot of time talking to people to try to keep that amendment on. It basically says that, you know, cities can adopt source of income ordinances, however if you adopted one before January 1st of 2015 you're exempt from the provisions of this particular legislation. So working hard to keep that amendment on. House bill 2440 would preempt our transportation network company ordinance and those are the Uber, Lyft companies that the city had adopted regulations on late last year. And house bill 3448 by representative Israel is a bill would allow the decertification decisions of the city's E.M.S. Medical director to be appealed to the state office of administrative hearings. Before this bill was failed,

[9:39:22 AM]

ray and, myself and a couple of our external lobbyists met with representative Israel and representatives from the he is union and to try to see if there was a way that we could maybe talk this through, but that didn't seem to work, so he filed her bill. I think she sent you an email about it, but it's -- it's a serious issue that we're also working on in the legislative office. >> He wanted to the state office of is it administrative hearings and senator Israel's bill, she called to talk to me about that as well. And we can share that information in session, the conversation. >> 94. >> There's not an executive session planned and that information certainly would be public. >> Okay. All right. It just had to do with the intentions behind the filing. Thank you. >> The next series of bills unfortunately come from representative Isaac. I've spent a lot of time in his office this session. House bill 2073 -- he's a member of our delegation. As I tell him, he's family. House bill 2073 and house bill 912 are two bills that would prohibit the city of Austin from protesting a water-wastewater discharge permits at the tceq. 2073 is bracketed specifically to Austin. 912 is a statewide bill, but only Austin and San Antonio are the cities that have done this in the past. 912 was up for hearing this morning at 9:00. The city had witnesses from

[9:41:24 AM]

the watershed protection department there to testify on it. I haven't heard what happened, but these bills are going to be difficult to slow down. House bill 3620 by representative Isaac is a prohibition of Austin extending certain infrastructure into our etj to provide water and wastewater services to certain regional facilities. House bill 3621 takes away part of Austin's etj. And house bill 3622 requires Austin to provide water service to a very small city in our E.T.J., but prohibits from recovering the cost of providing that service. Teach tovo and bear that cost to the other -- >> Tovo: And bear that cost to the other ratepayers? >> I think the way the bill is written, there is some -- there's a small city called Hays City and I think there's a developer out there who is trying to develop in that little area. It allows city to pay some of the cost, but if there are other infrastructure improvements that need to be made that they cannot -- to actually hook up into our system, it doesn't allow us to recover those costs. >> Tovo: Those would be redistributed to all of our other rate -- water utility ratepayers? >> Yes, ma'am. >> Does that seem to go contrary to the bill that relates to the general fund transfer from Austin energy where that transfer isn't permitted because people outside of the city are paying for rates for the

[9:43:25 AM]

services that the city provides, but in this case it would be infrastructure where we would be paying to put in the infrastructure, but we would not be able to collect for the cost of the infrastructure, thus putting it, as mayor pro tem Tovo pointed out, on the bills of the people who will not be receiving any services from that new infrastructure. It seems those two bills are in direct conflict with each other. I would like to have a conversation about that at some point. Maybe not today, but it's key. >> We told representative Isaac, we have -- we have two consultants, Cliff Johnson and a gentleman who works for Cliff, Matthew Bentley, who worked closely with representative Isaac. When I say I've been in his office a lot, I have. >> I appreciate that. I think maybe we could have the conversation with that question posed. >> Sure. >> Zimmerman: Quickly, the two bills, the 3621 and the 3622, are those talking about the same area? In other words, if 3621 passed and a piece of land or property was taken out of the E.T.J., then would 3622 not even be relevant? Because sometimes they do that, right? They put two different items -- take us out of the E.T.J. One bill. If that fails, then plan B would be 3622. Is that the case there? >> You know, the water utility did the analysis. When I looked at the bill I did not think they were talking about the same area. I think all three of these bills have a bracket that brackets Austin. So I think there are different areas, but I will check with the utility again to make sure that they're not talking about the same area. >> Yes, Ms. Tovo. >> Tovo: I realized I have a question about house bill 2773 as well, which is

[9:45:25 AM]

really concerning. This is that the city of Austin cannot be an affected person to protest permits. Are there any other cities that are losing their ability or proposed to lose their ability to protest? >> Sorry, mayor pro tem. >> Tovo: To be effective? >> 2073 is bracketed to Austin. The bracket is targeted at Austin. 912 is a statewide prohibition. They're basically the same bill. One has a bracket, one doesn't. 2073 talks about a type a general law city and then tries to define the Austin population and says that we can't protest a permit at TCEQ if we're related to that general law city. The city involves the city of Dripping Springs. So no, 2073 would not affect anybody but Austin. 912 would affect Austin and San Antonio, but I learned yesterday that San Antonio was not going to testify against the bill. So today we were going to be there, maybe one of the engineering firms that has worked with our water utility. And I understand from San Antonio, the reason they weren't going to testify is because they are working with representative Isaac on one of their largest water matters during this legislative session. >> Mayor Adler:

I understand that this is arising because of the growth in dripping springs and the water treatment plant that dripping springs is planning or hoping to do that has a discharge into onion creek. Ms. Troxclair? >> Troxclair: Don't one, if not both of these bills, only include a provision that says they only apply if the application is above the water quality standards of the city? The city has water quality standards and I think the issue is that when the city tries to protest or tries to

[9:47:26 AM]

be an affected person in a case where the permit is above our own water quality standards? >> 912, which is the general bill, has language that says you can't protest if the protesting party has lower treatment standards than the permit that they are protesting, correct. >> Troxclair: Okay. I just wanted to clarify that. >> According to our technical folks, the reason our standards are lower is because we discharge into larger bodies of water, a larger body of water and the proposed discharge -- I don't want to get too technical. The proposed discharge from dripping springs is into onion creek. And that -- I can't talk the technical stuff, but because it's into a smaller body of water, the pollutant load is more concentrated. That's the way I understand it. >> Mayor Adler: Okay. Anything else? Continue on. >> I'm just going to go quickly through a couple of the other significant issues that we're looking at. Revenue caps, I talked about that. House bill 2221, the city of Austin testified against that bill yesterday. It would be a bill that would prohibit us from doing limited purpose annexations. As you know, our charter provides for that and we've done several of those. Senate bill 343 is a bill that probably has gotten a lot of attention. Basically would turn home rule cities into general law cities, which means that we would need to look to state law for specific authority to act. And that type of bill would overturn many of the types of regulations we have in place here. Senate bill 360 is a rewrite of the regulatory takings bill, which would potentially force potentially force us to pay damages for many of the regulations we have in place.

[9:49:27 AM]

House bill 1556, senate bill 1155, and house bill 1911 preempt our local non-discrimination ordinances. As you know, under our non-discrimination ordinances, we provide protections on a broader scale than state law and those bills would preempt us from having those ordinances in effect. I'd like to end with just reminding you of the timeline. We're through March 13th here, so about 6400 bills were filed this session. That's about 300 more than the 2013 session. We're following about, I don't know, half of those. June 1st the regular session ends. The 21st would be the last day for the governor to veto bills. And most bills become effective August 31st unless they have a specific effective date set in the bill. And that's kind of what I had for you this morning. I am happy to answer any questions that you may have about our program or about what's going on at the capitol in general. >> Were the general principles that were outlined here, were those something that was adopted by city council? >> That entire program you have in front of you is what was adopted by the council? >> Troxclair: Okay. So I guess I just wanted to ask -- because it just seems like there's so much left to open interpretation. For example, we said that one of the highest priorities was to protect Austin energy. And it seems to me that putting parameters on the general fund transfer, the money that's being diverted from Austin energy to the city, is actually protecting Austin energy because it's helping them keep their

[9:51:28 AM]

revenue. So -- but that was a bill that was identified as something that the city is opposing. So I'm trying to understand where the -- it just seems really subjective. >> My understanding is the reason we

opposed that bill is because it takes the discretion away from the city council to determine what's in the best interest of Austin energy and the city as a whole and to determine the general fund transfer and what goes and doesn't go into that. >> Troxclair: Okay. And so senate bill 1945 I didn't realize that we were -- we weren't asking questions at the time. It says deregulation of Austin energy, but it sounds like it's not a deregulation. It sounds like there's more of a process involved, but there's only a certain amount of users and they would have to go to the P.U.C. >> I think that's the way Austin energy has characterized it to me because what you have is the ability for one customer who meets that 25 million threshold or a group of customers. And the way the utility sees it is that they start peeling off. You get one large one or maybe all the large ones, because I believe all the large industrials meet that threshold or maybe come close. And then you start getting groups. And once you know it, it has unraveled the entire customer base of the utility. By the ability to go and appeal and the P.U.C. Allowing them out of the rates set by this body. So that's the way it been described to me. >> Only if the rates are not just as reasonable. >> Correct. >> And you may not have these answers now, but I would be curious to know how many city staff we have that work on legislative issues. >> I can tell you in the governmental relations office, myself and Carey grace are interim. We're just on loan there until the permanent folks are selected. There is a governmental relations coordinator who

[9:53:28 AM]

has been there for a number of years. There are three staffers there who have been there for a number of years and then Carey and I. So that's five. And we have an intern from the Ibj school and then we have a temporary employee. And the governmental relations office has had a temporary employee for many, many years. The last temporary employee is now working at the white house and the general counsel's office at the white house. So six, I guess or seven. >> And how many contract -- how many lobbyists do we contract with? >> I think I may have that list here. I think there are about nine maybe. Let me see if I can find the list for you. I thought we provided that earlier. I will make sure we get it to you. But I think we have about nine contracts. I think what sometimes gets misinterpreted is that like we hire -- we hire - let me use cliff Johnson as an example. Cliff has people that work for him. Under the Texas ethics rules about lobbying, if he asks somebody to go and do something for Austin, they have to register. But our contract is with cliff. And many of the folks that we hire the same way. We hire McGuire woods, a big law firm. They have, I don't know, five or six people there. And what they told me, you know, when they work for us, is that we will use all of our resources for the city of Austin. So everybody in that firm that's maybe asked to go do something on our behalf then registers, but owe only have one person from that firm, Jennifer Rodriguez, that the city has contracted with. >> Troxclair: I would be curious to get more detailed information about that and also on the budget aspect of how much money we're spending. >> Okay. >> Troxclair: Thank you. >> Mayor Adler: Ms. Pool and Mr. Zimmerman.

[9:55:30 AM]

>> Pool: I have a couple of questions. Thank you for coming, Ms. Canard. Can you talk about house bill 594, and it's not on this list. This is the one that diverts truck traffic on to sh 130. >> That particular bill, like you said, the transportation department likes it. It would relieve some of the congestion on 35 by lowering the tolls on sh 130 for those large vehicles. And-- >> Pool: It's not on this list. >> Correct: >> I just tried to pick out some of the most significant ones we were dealing with. >> Pool: Back on the slide that you had with transportation funding, you were talking about the diversion from the transportation fund. I can't remember, they have a name for that fund. >> Rider 8? >> Pool: Can you give a little bit of background on the frequency with which the stopping the diversion has occurred over time up at the capitol? >> I don't know if diversion has stopped. I think the -- >> Pool: The work that has gone into

trying to stop the diversion. >> There have been lots of bills filed. I think it's senate bill 5 will be the big one that talks about transportation funding. Don't quote me on that. But I think -- I don't know if that's going to have the votes, but there are some other initiatives like I talked about that may have more of an opportunity to pass like the dedicating some of the motor vehicle sales tax to transportation funding. But as far as trying to stop the diversion, there's just been I think three specific bills that have been filed that are looking at that. >> Pool: I think it might be interesting for semi colleagues to read maybe a brief recap overtime. I've been following the

[9:57:30 AM]

legislature for a long time and back in the '90's there were a number of attempts, seems like every session there were bills filed to stop the diversion. And it would be really interesting I think for us to have an appreciation for the complexity of that issue. >> Okay, I will work with the -- >> Pool: It may be important to have that background. >> I'll work with the manager's office to get maybe the transportation department to work on that for you. >> Pool: That would be great. And there's real history relating to that. And I had one more request and it goes to the provision of information on our legislative agenda. I think I'm not alone on the council feeling that we're late to this party. And wish we had had a briefing earlier, but this is great. And what I would ask from the legislative group is to provide us with a monitoring report. And I'd like it to have basic information, like the caption on the bill, the authors, co-authors, track the committee it's in and have some substantive report back on actions taken in the committee, if you're there to cover the which I and have testimony, make remarks, it would be useful for us to know what our activity is up at the capitol. So that we can follow it as well. I received a call to come and testify on the -- on house bill 594 and had looked for some preparation on that, and was -- was pleased to have the opportunity to support a bill that would be helpful to folks who drive I-35 even if only a little bit, so remove congestion off of that road. And there may be some other folks here on the dais who would like to have that opportunity as well to support legislation that helps Austin. So this will help us now what's going on. And we don't ourselves have

[9:59:32 AM]

the capacity in our offices to follow, to create the monitoring report. I appreciate y'all doing >> Pool: Would that be possible, Mr. City manager? >> I think so. I think so, councilmember, if it's the council's pleasure. >> Mayor Adler: It could be something that isn't much more than just the report that you would get from the legislative service, just going online, putting in the bills to track it because it would give us the status, dates of re-- dates scheduled, and it would be printed out. >> Pool: Right. It wouldn't have our actions on those bills, which would be the additional added value. >> Mayor Adler: Right. So a note section that would be attended to each one of those would be helpful. >> Pool: Please, yeah. >> Mayor Adler: Mr. Retirement. >> Zimmerman: Thank you, Mr. Mayor. I have a general question that touches on what councilmember pool has said. Not only has this particular council I don't think been involved in these legislative priorities, there's a lot of hand ringing in the politics about money and politics, how many times have you heard, that money and politics, money and politics. My problem from district 6 representative, the most fiscally conservative part of our city, I'm certain there's some stuff in here taxpayers are being forced to pay, advance or promote or oppose and the taxpayers are not in support of this. There's division on some of the items promoted. I think the budget number is very, very important to know how much money we're spending advancing this particular agenda because I guarantee you I've got some really unhappy constituents and they would rather say, you know, let's take that lobby money out of the city manager. I mean, it could be as much as a million dollars, right? I'm going to take a big wild guess. >> No. >> Zimmerman: It's not a million dollars? I'm talking total money,

lobbyists, contractors.

[10:01:32 AM]

>> When the city council voted on the contracts I think back in November, somewhere between seven and 800 inspect I don't have the exact. I wasn't in this office at that time. We can get that you number.

>> Zimmerman: You think it's less than a million dollars. >> What the council voted on, yes. >>

Zimmerman: But there's also discretionary money. Does the city council vote on every single dollar that's used for lobbying? Probably not. >> I assume. >> Zimmerman: I want to get that information from you but I would get not thank you. >> Thank you. >> If I may they certainly approve the contracts we have with the lobbying firms. They certainly do that. Let me back up just a little bit. I guess I want to say something positive about Karen Kennard here, easy to do that but I want to specifically compliment here and Carrie grace for their willingness to leave what would otherwise be her duty as city attorney to serve in this capacity at this important time to represent the city's interests with the state legislature. So, Karen, thank you. >> Thank you. >> -- For that. With respect to the legislative program I'll state the obvious, the program as it stands today is one that all of you know was adopted by the previous council, and the lobbying firms that we work with are firms that are recommended by us, were approved, and funded by the previous council. So in that sense the authorization, the funding authorization, comes from council. Do they watch every single dollar that we expend in regard to these firms? No. But they certainly approve the contracts. You know, for those firms. I think that our first opportunity to talk with this council about the city's legislative program was during your orientation. I think that was one of the presentations that you received. Of course the legislature itself had not really gotten up to full

[10:03:33 AM]

speed. At that point I think Karen indicated in the course of her presentation that it was just not that long ago when all of the bills were finally filed and met that closing deadline and so I know that she and Carrie grace have been working hard before that time and since that time really to do the kind of analysis of those things that might have specific impact on the city of Austin and/or be impactful in an adverse way to municipalities in general. I'm sure there are municipalities throughout the state doing the same thing, both in terms of people like Karen and Carrie grace and other four staff members as well as utilizing a package of well-qualified lobbying firms. All of the big cities, San Antonio, Houston, Dallas, Fort Worth, they all have them and utilize them effectively as has been the case so many years here in Austin, probably a harder town here in Austin given that we are in fact the asset of seat of government here. Many of you know of Austin being a target when legislature is in session better than I do but I certainly have come to recognize that particularly peculiarity peculiarator in my range of experience here. You are here now and I think that I want to acknowledge councilmember pool for making the request for this briefing. I think the timing is good, you know, those bills are pretty fresh, and I think Karen's presentation has given us a good feel for those that, you know, we need to pay a lot of attention to point I think she's gotten your attention as well this morning in terms of those. The legislative program program is what it is. That's what the previous council adopted. You are the council today so you certainly enjoy the collective

[10:05:34 AM]

prerogative, given your wisdom to make adjustments in that regard and we are at your service to accommodate. So we certainly, in terms of the specific requests about a more detailed and regular report so that you can understand not necessarily in realtime but have a lot more detail more frequently

about specific bills, we're happy to do that and I think the tools and access to information already exist that will enable us to put that together pretty quickly. But relative to the program as it stands, you certainly have the prerogative to make any kind of adjustment that you see fit. >> Mayor Adler: One last aside is that as we go into legislative process and they meet in committees there will probably be additional opportunities for us to testify. >> Yes. >> Mayor Adler: Ms. Pool has testified, Mr. Casar has testified at this point. I have. And I've been in communications with other mayors of other cities and with the tml, fighting the larger umbrella issue of trying to keep as much local control to the city as is possible. And I had the opportunity to visit with two ex mayors on the committee considering the source of income ordinance it&made kind of the mayor to ex mayor appeal and they joined, we have to tank them for joining in on senator Watson's amendment. >> Pool: I wanted to make mention I did let staff know I was planning to up there to speak, and I think that would be a good approach for us if we do. And to ask for their assistance in providing remarks. And then also to be mindful that when we do go, if we are there in our official capacity, which we can go in our not official capacity, although at that point

[10:07:34 AM]

we should not be asking for staff resources to support us in making remarks, in preparing remarks, we should do that on our own time. But if we go in our official capacity we should be really careful to remember that we are representing the city of Austin and the mission that sets forth with our agenda. >> Mayor Adler: And consistent with ordinances that have been passed by the body until they're changed. Ms. Tovo, did you have something else. >> Tovo: That was entirely the point or question I wanted to raise to this body of support, when we go in our official capacity, the expectation is we would coordinate, I assume, with the legislative -- with our legislative team and I think the practice in the past has been the legislative team sort of assembles the individuals from the city they feel are best equipped to make the points that need to be made to our legislative representatives. And so -- >> Mayor Adler: Okay. >> Tovo: I would expect that you typically reach out to staff, subject matter, expertise, subject matter experts, and the elected officials who you think would best represent those perspectives. >> Yes. Understanding, you know, your busy schedules we frequently reach out to staff. Let me say if there are any issues that you are interested in, we are happy to have you. The legislature really wants to hear from elected officials on these issues. So if you're willing to take the time to go, as the mayor will tell you, sometimes it's a hurry up and wait process. We try to get our team and our staff to work -- it's a committee, to work it to let elected officials not sit, but I can tell you there are a couple of bills up last night, many mayors and councilmembers from the metroplex were there until midnight on the big oil and gas .if there's anything you're

[10:09:35 AM]

interested in let us know and we'll make sure you can be the city's face on that issue. >> Tovo: Thank you. Appreciate the work you're doing up there 123-4508 5. >> Troxclair: Thank you so much for putting this overview together for us. I do think we have an advantage being in Austin over any other city that we're just steps away from the capitol so please feel free to use me in any other -- any other councilmembers I think as a resource. I think it would be also helpful for me to know if there are members of the council who are over there testifying on certain bills. I don't know if they're over there at the city's request or maybe at a different request. If it's possible, if staff knows a member of council is going over there to testify in front of the committee, it would be helpful for me to know, if it's possible. >> Okay. Yeah, I know we've asked the mayor on several occasions, but we will definitely keep track of that and give you information about that. >> Troxclair: Just so we can tune in and stay apprised of what's going on over there. >> Mayor Adler: Good idea. >> Just so we're clear, excuse me, mayor, when

you are actorring an elected official to testify we'd notify the whole council so they'd know it was going to occur. >> Yes, sir. >> Mayor Adler: Anything else on this? Okay. Thank you very much, Ms. Kennard. Second briefing testify today is on commissions, boards and commissions. >> Good morning, mayor and council. City clerk. I am fortunate to be joinder by three of our members of our board and commission transition task force. I'll let them introduce themselves so they can tell you which boards and commissions they have served on.

[10:11:36 AM]

And then we will hopefully have a much lighter presentation than the one that you just finished. >> I'm with the commission on human affairs. >> Dave Anderson, planning commission, environmental board, couple of others over the years. Current chair of the water and wastewater commission. >> So I thought what we'd do today is just kind of quickly go through -- I have one slide on the boards and commissions task force. It consisted of 15 members that actually represented 17 different boards and commissions because we had a few that served on more than one at the time. This was in addition to all of the other meetings they had with their board and commissions. They held 20 meetings between January and April of 2014. So they were quite busy. In addition they provided two additional updates to council on the process on April 8 and may 13, and we also held a public hearing on August 7 on their recommendations. So for the appointment process, I just have a couple of slides, just kind of summarize what some of the discussions we've had. We've met with all of your offices on the process. We do have a transition period that is -- goes through June 30. Holding in the current boards and commission members into their current place. Dena on my staff has been sending you your staff regular updates on new applications as we receive them. You do have a number of appointments to make between now and July 1.

[10:13:36 AM]

What we're asking is for nominations as you make them because this is somewhat historic in that regard to have huge groups of nominations coming in at different times. If you can get them to us by Tuesday at 2:00 P.M., the very latest by 2:00 on Wednesday, then we can actually get them uploaded into the agenda management city manager, which would eliminate the mayor from having to individually read all the names into the record. Then if you had late editions we can do an updated page that the mayor can focus on the late editions. That way if you have a hundred folks getting nominated as a council meeting the mayor doesn't have to reach each individual name. You also have the option of making additional nominations from the dais. So the transition period ends June 30. We'd like to make sure that the new members are given the opportunity to, one, complete all the required training that they need to complete, potentially attend a meeting or two so they can get up to speed on what their board and commission is doing. We can get their e-mail accounts created and get their contact information to the department so we can get out their meeting schedule and all of the information they need to start meeting. Question? I think I probably skipped a slide, maybe. Maybe not. I kept it as brief as I possibly could. What we'd really like to -- if we can, is to get as many of your nominations to the council by the end of may. I know that's coming up. But that will at least give your

[10:15:37 AM]

appointees and the clerk's office the month of June to get their training complete and get them up to speed. So if we can get as many of those made as possible, that would be wonderful. We know you have a number of them. Councilmember troxclair had asked if I could put -- if we could put together kind of a

list of priorities as far as the appointments. I wasn't really comfortable making it a list of priorities because they're not my boards and commissions but what we did prepare for her is a list, and we have copies here, if y'all would think it would be helpful, that just shows you which boards are sovereign, which boards have to file a statement of financial information, which boards over the last year we could track. And I haven't handed it out yet because I wasn't sure if it was helpful. Which boards on a regular basis submits a recommendation that gets posted on the council agenda, where you're -- taking their action into consideration when approving an item that's on your council agenda, as well as we went back and looked through the minutes to find any boards that over the past year looked -- that we could find that the previous council actually referred an item back to a specific board. So those were kind of the filters that I could find that might raise it a bit. The other thing we gave councilmember troxclair had asked if we had any cost estimates. We don't really keep cost estimates as to how much the city spends on supporting the boards and commissions but there was a study done back in 2011 so you have a copy of the presentation from that that was presented to the audit and finance committee back in 2011. And so with that, that ends my

[10:17:37 AM]

presentation. The task force members are here because I think some of you had some questions about the process they went through in making their recommendations to the previous council, and any advice that they may be able to impart to you as you go forward and make the boards and commissions process into what y'all would like it to be. >> Mayor Adler: Thank you. Ms. Houston. >> Houston: Thank you so much for the information and for all the help that your office has been since before we were installed. I've noticed one thing about the process, is that I've tried to have interviews with people who have applied for various boards and commissions, and of course people can select which district they want to be in, and so several of them not only selected district 1, but they didn't even live inside of Austin. And so how do you -- I mean, I've talked to them about that and talked about the waivers, but that seems to be gumming up my ability to actually find people who I can promote. How do you suggest I handle that? >> We can always help in doing a review. The way the process right now is, we do have a link with the application that if they're not sure which district they live in, they can put in their address and it will tell them. My guess is most of them are just filling it in and picking one. I can't explain why. We're hoping to replace our current board and commission management city manager, and it would be nice if at some point where we could automate the process that when they put in their address, it knows and can verify -- I don't know if that's possible, but that's on my wish list, so that it would be a more automated process for the

[10:19:38 AM]

applicant. >> Houston: Thank you. One person lived in I think dripping springs, and so I had him come all the way down here. I go really? >> Mayor Adler: So Ms. Troxclair. >> Troxclair: Thank you y'all for being here today. I am interested in the boards and commissions process as it stands now. I think we had a discussion as a council when we adopted the committee structure, one of the bullets was we were also going to review the boards and commissions and the structure of those boards and commissions to make sure that we also -- that they're in line with our you in city council city manager of governance. Not. That kind of led me into reading the task force report that was put together last year. I noticed there were a lot of recommendations that weren't necessarily adopted and also knowing that ultimately the changes that were made were made at the very last city council meeting when they had 200 plus items on the agenda and some of the decisions that were made were made just right on the spot. And so I just thought it was, you know, initially I thought, well, we have until June to figure this out but really

seeing that people are starting to apply, I think that it would be good for us to have this conversation now, to kind of review the task force report, to hear from you guys if there were -- the background and history on that report, the things that maybe weren't addressed that you still think it would be beneficial for this council to look into. It seems like this is an unprecedented opportunity for us to, if we are going to revise the boards and commissions, this is the time to do it because we're making all you in appointments, and there's no

[10:21:39 AM]

point in making those appointments and a year from now, you know, dissolving a board and commission or combining two boards or something. So it just seems like this is the time to do it. So I don't have any specific questions at this time. >> Mayor Adler: What advice would you give to the councilmembers in terms of making appointments first and then, second, with respect to the commission work that was done? There was some question that was asked about whether or not there needs -- there should be an additional look at how the boards and commissions are structured. We had a panel that consisted of members of boards and commissions. One of the questions that I've heard asked is whether there's any wisdom in having a look at whether we need all the boards and commissions, whether there's overlap conducted by a group that is not made up entirely of boards and commissions. So those two things would be helpful for me if you want to comment on those. >> One of the things I can tell you, I think when we went into the meeting rooms we took off our respective hats and stuck to what our mandate was, kind of breakup silos and figure out what would be the most effective structure moving forward. Considering that, we will say that -- I'll say that I believe that there are places where in the appointment process, because there's so many appointments that need to be made, it's hard to find qualified individuals that are doing it, driven by the will -- or the desire to serve. So I would just recommend that in going through your nominees, you consider what capacity they have to take on the responsibilities that they're signing up for and what track work do they have of already doing that in the community. From my own experience on the commission of human affairs, I can say unfortunately sometimes, if we're lucky, four or so of us actually are pulling the cart along. And with the increase in members

[10:23:40 AM]

to all of these boards and commissions, I feel if you could get everyone to be active in some way, it would be to the benefit of the community. >> Pool: Mr. Mayor? >> Mayor Adler: Ms. Pool. >> Pool: Goad. I'm sorry. >> I'll echo the comments. We tried to -- I think the group tried to strike a balance between -- again, I'm coming from the perspective of land use environmental protection. We tried to strike a balance between putting a process in place that's repeatable, that's consistent, but also provides a level of oversight that would continue to be useful to council. So that's why we took a hard look at trying to consolidate the number of boards and commissions, for that consistency, to provide maybe a fewer number of steps so that in -- you know, in an era where everybody is especially cost conscious that we have as few number of steps as possible that gives you the most robust oversight and input into the process. So it's a balance. I had another comment and I lost it. >> I'm going to steal your comment right now. >> Okay. >> One of the things we did do, we did look at the annual reports that all the boards and commissions need to submit because I feel that as a recommendation would be that moving forward that be something that you look at and evaluate closely, to see if boards and commissions are performing. Because if they're not maybe they're not needed. Or maybe you need to appoint different people to them. >> I would just say we came up with recommendations, many recommendations, that weren't

[10:25:41 AM]

adopted by the previous council. And that's obviously fine. But we did put a lot of thought and took a lot of time in trying to -- in making those recommendations, and so to the degree to which -- I mean, if you have specific questions on any of those recommendations, I'm sure all three of us and the rest of those that served on the committee would be happy to make comments on it because, largely, we got to a point where most of us agreed on those recommendations. >> I'll also add that during this process there were several boards that we considered combining and had a strong public input into that, and found that some of them didn't want to be combined. And so I think maybe the previous council took some of those recommendations that we have or might have considered and didn't enact them because I think we'd probably have to go through more of a public process, almost a sunset type process. We briefly touched on that in the group, but just ran out of time to discuss that issue further. You've got roughly 60 boards, I believe it is, is that right? >> Yes. >> You now have a you in council committee structure. Maybe it is time to -- as Ms. Troxclair mentioned, to look at those boards and commissions and how they would feed up into those committees and then eventually into council, and maybe a sunset type process, where you could have more of an established public input process into those, into that, it would be beneficial for the council. On the transition part of it, that recommendation that we made June 30 is -- we just picked a date that we felt was enough time for you folks. But we also didn't realize that you were going to create this new committee structure and

[10:27:43 AM]

maybe a lot of your time has been focused on some other issues in the city. That can be adjusted however you see fit as a group. We also talk about the ability -- you know, council at their will, you could take current boards that y'all have members for -- let's say, for instance, you had a board of adjustment. You guys have all made your nominations. You could pluck that board out and seat it any time you wanted to and maybe extend the current deadline for some of the other boards that you just don't have the members for yet. We acknowledge through this process and talked about it quite a bit, about the raw number of people is increasing, and that's going to be a process to get all those boards seated. But my message is you still have some flexibility in how you guys want to handle that. >> Mayor Adler: Ms. Pool and then Ms. Garza. >> Pool: Thank you all for coming today. We were talking about having the requisite information or experience level to serve on the boards. How long have each of you served over time on a variety of boards. Dave, I know you've got a fairly extensive -- >> 14 years back to back and then if -- I did some concurrent service so all told it's 18 years or something. >> Pool: Daily. >> I've only served on the water and wastewater commission, ninth year. >> Three or four years, I think. >> Pool: Over time I spent about ten years on different boards and commissions. What I would tell you and I guess I would ask, you do feel like the amount of time you've spent doing this particular work you've learned a lot about the work that the commission that you're on does? And you may not have come to that assignment at that place. But you've learned over time what the commissions do? >> Yeah.

[10:29:44 AM]

It takes a -- there's no way to learn how the commission works, a commission works, unless you're active in it. And that's part of the reason whether we picked a June 30 date as opposed to a March date, with the idea if y'all had appointees in mind that you go and shadow for a few meetings just to kind of see how it works. Because it's -- it really is a lot of work. I would not -- one thought would be don't underestimate the amount of hours, number of hours, amount of time and effort it takes to be a good commissioner. because it's a lot. >> Pool: Would you say that's a really good place for our citizens to get

involved to learn more about the community, about the city, about its working, and also just to perform public service themselves? >> For me personally, yes, it's been that. And I'm very, very -- I've said this from day one when I think I served on the water and waste board commission with you, Ms. Pool, I'm very proud to live in a city that has this sort of public civic engagement process. A lot of cities don't or a lot of cities don't take it seriously. And so for me it's been a great experience to learn more about not just the function of Austin water utility but other parts of the city. To answer your earlier question about, you know, the amount of time maybe that it took to get warmed up to how it works, it was probably a good year or so. We meet monthly. Other commissions meet more frequently or less frequently, but for us we meet monthly, and it took me about a year or so, maybe a year and a half, to get warmed up to it. >> One of the things we put together in the report there's a diversity and recruitment work group. Basically what they did was identify ways the city could

[10:31:45 AM]

target and recruit individuals, all but they may be new, they have some experience of serving the community and track record of doing so as well. >> Pool: We also have putting together a task force on community engagement and I think the voice of people who have served on boards and commissions would be really useful at the table. Thanks. >> Mayor Adler: Okay. Ms. Garza. >> Garza: Thank you all for your years of service that you've put in and additionally serving on the task force. I do agree that we should take a look at those recommendations as a new council, but I think it's a little bit premature because we're still trying to work out the committee structure and how that's going to work out. But I do think at some point we should take a look at the recommendations that you made and see how we can, you know, make additional recommendations -- or changes as needed. But my question is can you think of any, like, glaring recommendations you made that weren't adopted that you, like -- like the top three that you thought should have been or would that be different for everybody? >> I think that might be different for everyone. Yeah. >> Mayor Adler: See now I need to know. What would be your top one or two that weren't made that you think should have been? We'll go down the line here. >> You go dale. >> I don't know that I have a top one, two, three. My biggest issue -- again, we just started a discussion on it here before we kind of ran out of time, was I really think you do have an opportunity here with a change in type and style of government to enter into a sunset review process that you could then evaluate groups of boards at a time. I think, that idea probably should be carried forward. Again, when we looked at combining a couple of boards, we

[10:33:50 AM]

got some really strong feedback in a really condensed amount of time. As Jannette mentioned we met, to 25 times in a couple of months. To me that just means it needs to go through a more established public process and get review on that. So that's a long answer to a short question. >> Mayor Adler: I understand, thanks. >> I would encourage you to look into a sunset process. >> Mayor Adler: What would your one or two be? >> From my perspective, I think how you handle planning and zoning and planning commission is -- there's a specific recommendation in here that changes the roles of the two, but I think everybody in our small group and most of the people, if not all of the people in the larger group, think that the best way to handle the land use commission is for it to be a single entity. It's just that the workload is so big that we couldn't quite figure out a way for one entity to do that. We talked about things such as meeting weekly to deal with zoning, paying commissioners some stipend. Like there was nothing that was off the table. I think it's a less than optimum recommendation. I think we all would have loved for it to be one commission. We just couldn't figure out how to do it. So if there are other minds that want to tackle that and try to figure out how to make that work I think that's a worthy

goal. >> Mayor Adler: Thank you. >> For me it would probably be evaluating and treating like bodies that serve a similar population or a similar purpose in a similar way. And then, also, making sure that we don't get trapped in our silos again. So making sure that commissions whose mission or who are

[10:35:52 AM]

addressing issues that cross-h cross-pollinate with other commissions communicate amongst themselves. >> Mayor Adler: What about -- we're now appointing commissioners and people could go out and appoint 11 or ten people from their districts or otherwise and then you have a commission that's put together. There was a time when the council did that more collectively so that there was a more holistic approach to the body as a group to ensure that within that group there were different expertises represented or different viewpoints represented. Right now we're in the process where everyone is effectively going in and identifying their own nominees. Do you think that is an issue that we should be dealing with or not? >> I think there are specialties that are required for whatever board or commission you're considering. And that should be laid out in maybe -- and maybe codified in some way so that the council knows what the expectations are for that -- for the technical expertise of that particular commission. And then you can make a decision collectively, I mean, I believe you all vote on the -- your individual appointees, so if there's -- if it's apparent all of a sudden that and of that expertise is not where it needs to be for a particular board, then you can address that as a body. So I -- my recommendation is to think through -- largely this is done for most boards. I don't know if it's done for all boards and commissions, but is to identify what expertise you need on a board by board basis, codify it somewhere, so that you know what the target

[10:37:52 AM]

looks like that you're shooting at. >> Mayor Adler: I wonder if we -- go ahead. >> Some of those requirements are listed in chapter 2.1, like for the animal advisory commission and I think the airport advisory commission may have some specific requirements. So one way you might be able to do that as well is through the message board, is you know you're going to nominate someone who meets one of those criteria, is to post that out there so that your colleagues know I'm nominating the person who is a pilot and therefore meets that qualification for that board or something. >> Mayor Adler: Most of them, though, don't have a -- I wonder if it makes sense to ask each of the boards and commissions to let us know through you what expertise they think would be valuable to have on that commission. >> We can do that. >> Mayor Adler: Maybe as a group we should take a -- figure out how to do this in a more holistic way, maybe rather than people having their nominees on boards and having them come up one by one, because then at the end of an eight-week process we will now have ten people without regard to who the other nine people are, maybe we should hold all the nominations for one panel until we have all the nominations or panel to discuss. Maybe we should make nominations and have the committee that's dealing with that board or commission take a look at those nominations holistically, but there's part of me that thinks we should figure out some kind of city manager so that we don't look up at the end of the process, look at who has been appointed, and then be talking about what's missing or what we don't have. Ms. Houston. >> Houston: Thank you, mayor. I'm going to challenge the committee because, as you talk about people with expertise that leaves you had a whole lot of people in my district who may have the interest and the will to learn, but not necessarily

[10:39:54 AM]

whatever that expertise is. >> Mayor Adler: You probably need those people too. >> Houston: So I just

need to make sure that people are clear that we will remove a lot of opportunities for capacity building, which is one of my goals in my district, to expose people to, immigrants, for example, people who are -- have different languages in order for us to be inclusive and open. So that's one thing. The other thing is that what I have noticed about some of the commissions is that they're pretty well stacked with certain issues. So that I think what we need to be looking for is a more balanced, more nuances, more neutral kind of representation so people can in fact have a general discussion about what the issues are and how to vet those issues. When we have somebody -- everybody is of like mind, then we get -- we don't have the opportunity to have a different point of view. So I'd be more interested in how we develop committees that are not issue specific members but are balanced and have a neutral kind of position. >> Mayor Adler: Mr. Casar. >> Casar: I want to speak to both councilmember Houston's points in agreement. First, you know, a district that -- there are a lot of folks that don't have ph.d.s but specific expertise and we may define that very differently. Now that we're in a district-based city manager so I'd be very supportive of expanding that idea and I think a way to do this, just off the cuff because we haven't had too much time to talk about it, and I don't think we have too much more time, is that perhaps -- my understanding with the last council in order to try to create some balance would discuss those boards and commissions appointments here in work session. We have so many to do we would probably have a marathon meeting here but perhaps we should start thinking about at our committee levels which boards and commissions feed into what committee. I know that some committees -- I

[10:41:55 AM]

know some boards and commissions are going to have two or three relevant committees, but I think when we form the council committees I hope there would be a mother committee for each board and commission where it was really connected and perhaps those chairs of those council committees I would suggest should solicit from all the council whether it be by the message board -- I'm not sure the best way to make sure we comply with open meetings in this process -- of not just one person that they would consider for a board or commission but for at least two. That way that committee could look at that roster is and form a balanced committee. Of course if you're already promised a seat to one person that's just the way it's going to be and we'll vote on that as a full body. But in case where's you haven't made a decision yet if you said two people perhaps we could create that sort of balance, you know, the construction advisory commission, for example, when -- that I know most of the members of, the last council did a good job of making sure there was a balance between contractors and construction unions and development attorneys because they were able to talk about that at work session. We just don't have time to talk about dozens of those boards and commissions here during work session so perhaps that's a perfect place for it to go to committee. So I just wanted to toss that idea out there. I know that that -- it does not necessarily mean in this idea what I just sort of came up with right now would not necessarily mean that that -- the council committee got to decide which of your two folks it was because in the end the council would have to vote on the boards and commissions just like always but at least could present a roster that was more balanced because Mr. Anderson's point is of course the council could always reject a set -- that is politically more difficult because somebody's name is already on the council agenda and so it's an easier way to balance, I think, if it's in conversation, we've put together a balanced roster and vote on that rather than noticing a roster isn't balanced and then we have to boot someone off, which I just know y'all are all really kind folks and I myself have a heart and would just

[10:43:55 AM]

probably not do it. And so just admitting that fact I think it might be better for to us try on the front end like last council did in our committees. >> Mayor Adler: As we're having this conversation I thought of

something I was supposed to mention earlier that I didn't. Ms. Kitchen is not going to be with us today, as you can see. They had a family matter to deal with. And Ms. Gallo had a death in the family last night. So she's not with us. Now. Continue on with the conversation, Ms. Pool and then Ms. Tovo. >> Pool: Echoing what councilmember Houston said about learning on the job, that's kind of what we're doing here. And so I think it's entirely appropriate that we look at that when we're making the appointments, and I would -- you know, there are some folks that we want the expertise and we know who they might be, but I am also looking for people who have never served and am looking for fresh voices. This is a perfect opportunity just to make some -- to have some out of the box thinking. And what councilmember Casar was saying about the construction commission, for example, I would appreciate input and have sought it from different offices. I'm going to make my first round of appointments on Thursday, which I hope y'all will approve. [Laughter] >> Pool: But I have done my best as well to balance my understanding of the needs of the few boards that I am going to make appointments to with the people who are primarily coming from district 7 but not entirely. And I plan to have -- to make appointments in waves so I'm going to do some this week, some in April and May and I'm aiming for that June deadline and I recognize of course -- I'm glad you put a placeholder out there it. It helps us fix our own work based on a deadline. We probably as a body won't get everybody appointed by then, by I hope at least personally to have a majority of mine done by then. Thanks. >> Can I respond?

[10:45:56 AM]

Mr. Mayor, may I respond? >> Mayor Adler: Yes, go ahead. >> To councilmember Pool and councilmember Houston. Just to clarify, my thoughts of expertise were not each individual needs to have a certain type of expertise in order to be on a board or commission. My thoughts were more somewhere on -- in the breadth of those serving should be certain levels of expertise. So you may have one person who knows creeks and streams on environmental board and another person that knows trees, but I don't believe -- I didn't mean to portray this, that I think there needs to be a bar set where everybody has to have a certain expertise. I just think some boards and commissions will be served if there are certain kinds of expertise somewhere amongst those in the body that are -- that's serving that particular entity. >> Mayor Adler: For what it's worth, Ms. Houston, when I said expertise I included in mine geographic, understanding, background understanding, so everything you said I agree with as well. I think it was Ms. Tovo that was next 123-4509 5. Was. >> Troxclair: I had a couple of comments and observations. First I want to just address how appointments were done in the past because I would say they really were done in three ways. The appointments that came available on particular boards were made by councilmembers and, you know, for the most part I can't think of any time I've been watching as a councilmember or before where they were not accepted by the whole. Then with you in task forces, it certainly was the case that often there was a discussion in the Tuesday work session about who people were nominating in an attempt to get kind of a broad based group. Then there was a third committee/task force that I saw, and that was where a couple

[10:47:56 AM]

councilmembers sponsored a resolution to create a task force and they actually named the membership, the solar advisory committee would be one example, where the council as a whole passed a resolution -- I may be getting the chronology wrong but I think there was a resolution to create such an advisory committee, and the task of selecting and identifying the members was delegated to the council committee relevant to that group and came back for affirmation not council. I think we have multiple ways of doing this. I would say in my office we've been proceeding under the assumption that council appointments on those boards would be primarily, you know, at our initiative because we're getting

close to the deadline. It was my interest in identifying individuals for those committees early so they could start following the meetings, watching the meetings. That's what I did before serving on planning commission, came to some meetings, I knew how they ran, you know, I watched some of the meetings so I knew some of the issues that would be ongoing and I could kind of pick up where the other commissioners had left and I'd like my commissioners to be able to do that too. So if we're going to make -- councilmember pool mentioned she's making her first batch of nominations, I've certainly reached out to people do. I'm happy to talk about it in a committee but I have made deployments particular commissioners and mine I think rain from being people who have served on commissions before to people who are brand-new to the process. It's going to be a MIX. But, you know, that's kind of where I am in my office. Again, I think if we're going to have a kind of group discussions about it, that's -- I'm certainly open to that, but I hope we can do those kind of soon. And then I wanted to just say about the planning -- about some of the recommendations that came forward, I think you nicely encapsulated them I think there's been an interest in the last couple of years in part because of cost, staff time,

[10:49:56 AM]

others to consolidate boards. So some of the recommendation that's this group provided were great ideas about how to consolidate boards. Then as you said when we heard from the public there was strong interest in keeping some boards separate so that's how we left them for now. I think it is something we need to continually reevaluate, there is a cost to the city of having these boards. I would also say, though, just as an overall comment, I think as we talk about ways to leverage our time and resources and expand our capacity as a council, this is the way we do it. Our boards and commissions are really one of our best resources, I think, as decision makers because the ways in which they can really dig into issues and bring various kinds of expertise are just extraordinarily valuable to the work we do, and so many times when I see something -- even on our legislative agenda, I know that it originated with a board or commission and that as a group of people who were -- brought different levels of expertise from their own personal experience or profession 5 profession or something else they saw a need for a recommendation, made that recommendation to council and it resulted in a bag bans that had tremendous environmental benefits or, you know, a stance on immigration policy or other important issues. So I think our boards and commissions are just very valuable and I really appreciate all the work you did and you did a great job of trying to figure out how to manage those commissions better, I agree with Dave, that it would have been great if we could have figured out a different solution for the planning and zoning, but the workload -- I served with Dave as a planning commissioner. The workload just being on one of those boards is huge. You spend ten, 20, sometimes 30 hours a week preparing for those meetings, and so doubling that workload would be too much to ask I think of our private citizens. So I appreciated the recommendations but I understand why we kind of took the path. You know, I'll just lastly just speaking to the work of our boards and commissions, I had an

[10:51:57 AM]

appointee on the electric utility commission who brought such a lively of expertise and was able to work so effectively with others on that group she really helped the council as a whole, I would say, reenvision the whole rate proposal when we had concerns coming forward from residents and the faith community, saying this rate proposal is really going to hit everybody very hard. You know, we were able to retail rely on her expertise and a couple other electric utility commissioners to rethink the whole rate proposal. So, again, I would just say that's one example, and we have lots and lots -- of the work of our boards and commissions. So I appreciate your work. Again, I would like -- if we're going to rethink how we're going to do those appointments, I hope we can kind of make a decision about that soon.

Otherwise, I have identified some people, will continue to do so, and that's about it. >> Mayor Adler: Mr. Zimmerman and Ms. Troxclair. >> Zimmerman: Quick question. Councilmember Casar already mentioned, so column L on the spreadsheet is blank right now. By the way I love the spreadsheet, terrific. If we could take column L and add into this supporting committee so we have the you in council committees in place, if you coulded that. And then I think from there I'd like to see the committee chairs. I know councilmember Casar has got a big job with, you know, the planning commission. So I'd like him, you know, to look at all the commissions that are under that one council committee and kind of vet those, see what he thinks. Ditto for the other committee members to, look at the commissions that are under their committee and think about what to do, take recommendations that way. >> Mayor Adler: Ms. Troxclair. >> Troxclair: So you mentioned when the mayor asked about one or two things that you would maybe like to see revisited, you said treating like bodies equally. Can you expand on that for us? >> What I meant -- I said was treating like bodies similarly. So, for instance -- sorry, thanks, Dave. So, for instance, if you have,

[10:54:01 AM]

let's say, two commissions that are addressing similar issues, could they work better together? And maybe break out into subcommittees. That's an example. >> Troxclair: And there are some recommendations in the report that speak to that. So that's something that we could maybe further address if we're going to take a fresh look at this issue. >> Yeah, review that. >> Troxclair: So on the topic of combining, you know -- when you looked at combining some of the committees that have similar interests but just have to -- or commissions that have similar interests but just have too much workload, the report speaks to the fact that there were boards and commissions on the other end of that spectrum too that only are meeting very rarely. Can you expand on the conversation -- any conversations that maybe the last council had on why some boards and commissions who really don't meet that often weren't consolidated? >> So I would -- I don't feel comfortable speaking to why last council did what they did. >> No. I think that's probably . . . >> Troxclair: I have to get used to asking these questions in a creative way so we can get feedback. Because I understand y'all are in a difficult position but at the same time you spent a lot of time and energy on putting together these recommendations and putting together this report. And looking at what was ultimately adopted. Like I said it was at the very last council meeting of the last council and a lot of the things didn't have maybe as thorough of a discussion that it seemed like they warranted. So are there specific -- are there things that other -- other things that you think would warrant a longer discussion. >> I think -- I understand your point. I think some of the changes that

[10:56:03 AM]

were perceived or we offered up in the document were controversial. We largely all felt this way, combining some commissions, boards, that have similar purpose, that it was worth a discussion. I think, as a body, it's reasonable for you to evaluate that, especially if you think the conversation was too short. I think it's reasonable for you, as a body, to say, okay, let's dig -- this is worthy enough of our time to dig many to see if there's a better way to do it. I think that's totally appropriate. That would address the issue that we saw. I mean, we offered one way to solve it. Maybe there's a different way to solve it, but we did identify it as an issue. We have two bodies seemingly doing very much of -- similar -- they have similar goals, and is there a different way to do it? So does that -- >> Troxclair: Yeah. >> Kind of gets at what you're getting. >> Troxclair: One of the initial goals of the task force or of the report was to identify -- was to make the boards and commissions process more efficient and part of that was taking a look at consolization. But in the end what happened was we ended -- part of this is due to an increase in the

membership of the council. But instead of consolidating we ended up with over, what, 200 you in members of boards and commissions? So do you feel like the decisions that were made accomplished the original goal of your task force? >> I would say that that's a story left unwritten yet.

[10:58:05 AM]

[Laughter] >> In other words that's still pending. >> Troxclair: Okay. >> I would say, though, that I think -- and our annual reports are due association like at the end of may, at the end of may. So I think any decisions that -- any consideration -- that can be used to make decisions one way or another moving forward, where you actually have a report that states what each of those boards and commissions has done to date, how productive they've been, and that can inform any changes that may happen in the future. >> Troxclair: So I guess -- go ahead. >> I think one part of this is a political reality. If you look at the history of Austin, I don't know that we've ever eliminated a board or commission. [Laughter] >> At least in my recent look at it -- yeah, you've in fact brought some back. It's always grown. Maybe there just hasn't been a political will to go true that process. What we've found is just by making a recommendation of eliminating or combining some boards, we heard it. >> Troxclair: Yeah. >> We heard it very loud and clear. So that would be my guess, is there maybe is a political reality. >> Troxclair: You articulated that point very clearly because I -- from my perspective, this is an unprecedented political reality that we're living in right now. I mean, I don't know if there's been a time in the past where we have the vast majority of city council members that have yet do make a single appointment to boards and commissions. So as far as -- politics is always going to be a part of this but we don't have, you know, feelings of commissioners that were hurt -- we're hurting. We're starting really on a fresh page so I really think this is an unprecedented opportunity for us to have this conversation that we don't have some of the political challenges and ties that maybe the last council or

[11:00:06 AM]

previous councils have dealt with. So, I guess, along those same lines, I would hope that maybe -- well, in this -- this would be -- I would be interested in your thoughts, mayor, but this is maybe something that the audit and finance committee could have a review of the report and have a more in-depth conversation about this and come back to council with maybe some recommendations or ideas of things that could be adopted. And I think part of that -- I mean, I haven't made any appointments yet, and I know that it sounds like some other councilmembers are ready to do that, but I would say my preference would be for us to hold off just a little bit longer on filling any current vacancies and I will we have a chance to >> So I would be interested in your thoughts on that. >> Mayor Adler: Interesting. There are three moving pieces on that. Right? So one is the fact that we have a June preferred deadline for appointments. Of course, that's as pointed out a date that we could move with. Absent moving that date I'm not sure that you could actually get a recommendation back that globally look like commissions and still leave time to make appointments for commission. So it would probably require something like that. My personal belief would be that I would have much more faith and believe in the output of the commissions the degree to which the commission itself is put together holistically, than something where people are making appointments, and I like the proposal that Greg suggested of having them at least have a committee that takes a look at an array of names and comes back with recommendations, recognizing that everybody reserves the right to appoint whoever they want to because we each have appointments if they disagree with what it is that the committee came back with. Mr. Renteria? >> Renteria: I agree with that, mayor.

[11:02:07 AM]

Following the committees' hearings and trying to consolidate some of the -- my wife served on a committee also that, you know, it wasn't worth the fight. I mean, you try to change something and consolidate something here in Austin and you're going to have a whole room full of -- the city hall would be full of people ready to fight you. This is how passionate some of these people are serving on some of these committees, and when you're talking about consolidating like we try to consolidate the Latino quality of life with the mac and all the other facilities, I mean, it was just so much. It wasn't -- it wasn't worth the fight, and that's why the city council decided to vote the way they did because, you know, it would have taken so long to just try to, you know, consolidate these committees and trying to educate the community that what you're trying to do, you know, and it's very hard when you're trying to consolidate these kind of committees together, because people are -- in the community are really passionate about these issues. So I would agree to go ahead and start appointing people to the committee, and if we want to look at it as a long-term, you know, and have it -- have the committee look at consolidating some of these, I would -- I would -- I would support that, but I couldn't support, you know, delaying appointing our committee members, you know, until we decide what this -- the committee could come up with. I think it's going to take longer than you really think that we could accomplish that. >> Mayor Adler: Ms. Garza? >> Garza: I had a procedural question a while back, but I do want to comment on the -- looking at these again and consolidating, because there's a specific one I know about, was hispanic quality of life and the mac, and although we're new faces, the community is not a new face.

[11:04:07 AM]

So if we tackle that issue again, it's going to be the same community coming and saying, don't do that. So I don't know if it's -- if we'd be being redundant in the process, because no matter what -- who's sitting on this council, it's always going to be the community that's coming before us and giving their thoughts, and it's going to be the same community members, and I respect that, and I, in fact, was one of the people that came before the task force saying, please don't combine these two. So anyway, I have procedural questions about when, like quorums, when board members resign. So if there's supposed to be seven and like three resign, does that mean all four have to show up to meet the quorum or is it -- is it four now and three have to show up to meet the quorum? >> So during the transition there's a separate ordinance that dealt with the transition, and so we established a slightly different method for establishing quorum during the transition period, so that if we lost a few members during that period, it didn't prevent the board from actually meeting and continuing their business, and then after the July 1, the regular process for establishing quorum based on the number of board members would kick in. >> Garza: So right now if there's only four, three is an okay quorum for a body of four. >> Right. So if I remember right, and I don't have it in front of me, it's based on the number that's actually serving at that time. >> Garza: And what flexibility does the council have? Is it set in the charter or what dictates how, if a commissioner or board member is not showing up and -- because my understanding, before their term runs out, the only person that has -- that can reappoint is the mayor. Is that -- >> During the transition period the way it was established is that any vacancies would be filled by

[11:06:09 AM]

the mayor for that remainder of the transition period only. >> Garza: Okay. >> And so when there are issues that get raised to the clerk's office, either because of attendance, we find out they moved outside of the city or something, we -- my staff will notify the council office who made the nomination that a person has violated the attendance policy, and the council member has the option of granting -- or

asking for a waiver to forgive their absences or you also have the option as the member who made the nomination to talk to them and say, okay, if you're not able to commit to the time commitment, I'm going to find a replacement. But usually the council -- and mayor pro tem probably knows this better than I do -- would contact that member to find out, okay, what's going on, is there some reason why you're not able to attend? And then make that determination going forward. >> When you speak of the transition period you're just talking about the specific one that we're in right now? >> Yes. >> So going forward, once everybody makes their appointments, let's say one of my appointees is not showing up, I - do -- I have the ability to reappoint -- >> Yes, you have the ability to either ask for council to approve a waiver or to appoint a new person. >> Clarification on that. So if you're in the transition -- >> Your microphone. >> So during the transition period I believe that the mayor can make the appointment to fill the vacancy but the council still has -- still has to vote on it? >> Yes. >> Mayor Adler: Ms. Houston? >> Houston: And I have a quick question. Would your office notify us when somebody passes the -- gets to the number of absences that we need to be made aware of? >> Yes, the way it works is

[11:08:11 AM]

we work with the staff liaisons and let them know that -- because the staff liaisons that support those bodies keep track of the attendance. So when they have reached that number, they notify Deena in our office, who then notifies the appropriate council office. >> Mayor Adler: Okay, any further questions on this? Ms. Pool, then Ms. Tovo. >> Pool: I just wanted to say that I agree with council members Renteria and Garza, and I think mayor pro tem Tovo about moving forward with appointments. If we hold back and wait and revisit the decisions of the transition work group, then we will put ourselves well behind the curve, and there is no certainty that the people who are serving now would even be willing to stay beyond, because some of them had their terms extended to go to June of this year, and I think that we should have a look back at it, similar to the look-back we're giving to our own council committees structure, where we all agreed we would give it a try, see -- six months later we would come back and say, do we need to make some adjustments or tweaks, but we won't really know until our appointments are made how we feel personally about the process and the people that we appoint, how they -- what feedback they give to us. So I'd like to continue with how we were moving prior to this morning's conversation. And be willing to talk about other things later, but I don't want to make any decisions that would delay appointments that are pending, or could be made. >> Mayor Adler: Ms. Tovo? >> Tovo: Yeah, and I just -- I also felt like I needed to clarify that this is a pretty long-term project. You guys had your stakeholder meetings since I know you described to the council but you came and presented at a work session. We had at least one or two work session discussions and at least one or two council discussions over a fairly lengthy period of time. I think the one was in the summer and then the other was at the last meeting. So I think -- I think I

[11:10:11 AM]

think sometimes it's important to recognize the date of the decision isn't the first and only time we talked about it. I know in the intervening months I had meetings in my office with people who had questions or concerns or ideas. I met with people on the residential -- what is the one that's going away, the rdcc, the residential design and compatibility, you know, so I mean, there was a lot of discussion in the community and among council about some of these changes. I completely agree that we should always revisit and the audit and finance I think is the -- is the committee that typically does that. We should always revisit and look for ways to consolidate or, you know, tailor our committees so that they're more effective. In the end I think there weren't that many consolidations that were not approved by council other than the ones that we've talked about, the Mexican-American cultural center,

which council member Renteria mentioned, the building trade boards, which we heard some very compelling information from those in the fields who felt like, you know, we needed that kind of expertise for those decisions, if they're -- if they're making recommendations about code changes, they ought to have an expertise in that kind of work. And then the women's commission, you know, and I -- that's the one that sticks in my mind. It doesn't meet very often. It meets quarterly. It's the oldest women's commission in Texas, one of the oldest in the whole country, and it was proposed that it go away. I think there was a very compelling reason for continuing it. It does good work in terms of supporting the women's hall of fame, which is a new addition. So we can revisit those discussions again, but I agree with council member Garza, we'll hear some of the same concerns, and I think in the end, though we should always look for ways to streamline, we also need to recognize some of those strong community compelling arguments for keeping some of those boards. I have a concern -- having -- when I was in a neighborhood association I remember a stop-work order being lifted because the

[11:12:14 AM]

board of fire and building code appeals couldn't make quorum, and so I understand what you just said, that there's a different rule for quorum in this transition period. But do we run the risk on any of our sovereign boards of decisions being statutorily approved because that board can't make quorum in this transition period? And I would say that would affect site plans at planning commission, some of the things at fire -- building and fire board board of appeals deals with. >> I'm not sure I can answer that question today. If you're -- if you would like, what we might be able to do is add to that spreadsheet how many of them have canceled meetings because of lack of quorum over the past six months. >> Tovo: I've done such a lot of work here, and it may not be relevant. I would say it becomes relevant if any of those boards that have sovereign abilities fall below -- start to lose membership here between now and June 30. And that's -- that's just not something I remember understanding well, how we're going to manage that. >> I do know that at least initially probably 99% of the current board members have agreed to stay on through June 30. So we did get a pretty good response rate for commitments through the June 30 deadline. >> Tovo: And if it -- I guess we just need to plan ahead, though, because if it -- I mean, it is hard to make all those appointments at once, and sometimes you make an appointment and then somebody changes their mind. So I think we just need to know -- we need to keep on top of that issue so that we can make sure that those boards are staffed to the point where they need to be so that we're not inadvertently in a position

[11:14:15 AM]

of approving things that we wouldn't otherwise -- that would at least get a review. >> Mayor Adler: Okay. Thank you. Mr. Zimmerman? >> Zimmerman: Yes, Mr. Mayor, I'd like to move that we end discussion on this item. >> Mayor Adler: Is there a second to end discussion here? Ms. Garza? All those in favor ending debate say aye. >> Aye. >> Mayor Adler: Those opposed nay. Unanimously, we'll move on. Thank you very much. >> Thank you. >> Mayor Adler: We have a limited time before we go into executive session. I'm wondering if rather than taking these in item number, if there were any particular ones that someone wants to have brought up first, with an eye to calling things up that you might not be able to get an answer to a question by going on the web site and asking a question of staff. But let's do it that way and see if there are some that rise to the top first. Ms. Houston? >> Houston: Could you tell us if any have been withdrawn so that if they're on our list then we don't even have to say it? >> Mayor Adler: Any withdrawn from the -- being pulled here? >> Houston: Mm-hmm. >> Mayor Adler: Ms. Pool, there were some that you -- >> Pool: I had asked for information on items 11 and 12, as had council member Gallo, who isn't here today. My staff has been able to inquire the information, which we'd be

happy to share with council member Gallo's staff. So I can remove my pulls from 11 and 12 and if I can talk with staff on 13 I can remove the pull on that. I just had some questions I had posed on no. 25. And I don't yet have them, but if I can get them by the time we return, then I can pull my pull on no. 25. >> Mayor Adler: Okay. >> Pool: Thank you. >> Mayor Adler: Any others that we're pulling now? Ms. Tovo, are you pulling something off the list? >> Tovo: Mayor, if I could talk about 25. It's my understanding, and I don't know whether we can verify this, but staff are requesting a postponement on 25, and we do have water

[11:16:15 AM]

utility and park staff here, so it would good to clarify whether we're going to discuss it today or not. But the word I heard was that it was being postponed. >> Darrell Slusher (indiscernible) We would appreciate postponement. >> Mic not on. >> Darrell Slusher, Austin water assistant director. Yes, we would be good with the postponement, both pard and the water utility, and I can have pard confirm it. We would be good with postpone him to April 2. I think we can deal with some of the stakeholder concerns during that time. >> Cora Wright, assistant director for the parks department and we do concur, it will give additional time for us to respond to questions. >> Mayor Adler: So we'll postpone 25? >> Yeah. >> To be clear, I had heard it was being postponed. I wasn't necessarily requesting one, but I think in light of the concerns I'm happy to make that motion. >> Mayor Adler: That's great. So what we'll do is we just won't discuss 25 at this point since we can't really take action on it. Are there any other items -- >> Houston: Mayor, I was asking if anything has been postponed, including the items that have been pulled, that we won't be discussing or withdrawing so that we don't go through those. Like this is an example. If it's been postponed is there any way to tell us if anything else has been postponed? >> Mayor Adler: , In fact, do we know if there are certain items that have been pulled for discussion today's work session. Other than 25. Are any of those pulled items postponed? Or is there going to be a request to postpone any of those pulled items? >> Mayor and council, I received the agenda office. Typically whenever we get withdrawals or postponements we note that on the changes and corrections, which goes out by 5:00 on Wednesday afternoon, second draft goes out at 9:30 right before your council meeting at 10:00. So we wouldn't have those until tomorrow in the changes and corrections. So unless we get advance

[11:18:15 AM]

notice from staff about their postponed items. >> Mayor Adler: Okay. Does anyone want to discuss any of these pulled items while we have staff here rather than -- and when we're done with this we'll go into our executive session, but in case there are things that people want to talk about while we're here, this would be a chance to do it. Ms. Houston? >> Houston: Yes, please, items 17 through 27. Some of those items have been pulled, but I just need to make a comment about those. I don't need additional information. >> Mayor Adler: Okay. >> Houston: Is that I am -- every time we come to a work session I am more and more concerned about the lack of the statement, no subcontracting opportunities were identified. Therefore no goals were established for this solicitation. There were nine of those statements in this purchasing contract, and I just want to be on record as being very concerned about that over and over and over again. >> Mayor Adler: Ms. Garza? And manager, would you take a look at that? >> I will do that. >> Mayor Adler: For us? Thank you. >> Garza: (Indiscernible) Stop waiting for the ones council member Gallo pulled, assuming we can wipe those off too, unless somebody else -- >> Mayor Adler: I have some questions she asked in looking through those. >> Oh, sorry. >> Mayor Adler: But does anyone want to discuss any of the pulled items? Now is the time to throw out a number and ask staff. Mr. Zimmerman, do you want to pull -- >> Zimmerman: Well, item 7, because I think there are some staff

here to talk to item 7, but I don't want to suggest any particular order. It doesn't matter to me, because I know there are other staff members here, but I'd definitely like to briefly talk about item 7. >> Mayor Adler: Okay, chief, would you join us, please? >> Mayor? >> Mayor Adler: Yes. >> So are you saying there's going to be a hard stop at 12:00 and if we don't get

[11:20:16 AM]

our questions answered by staff about of then -- >> Mayor Adler: No, we'll see how far we go. I'm asking staff to be judicious about which ones they pull. >> I have a schedule question. The city of Austin employee requirement system meeting is -- which I represent this body on, starts at 1:30 and I was planning to go to that today after the executive session. Do you think I should send a rep or what kind of timing do you think we have? >> Mayor Adler: , You know, because I don't know, because I don't know how many are going to be pulled. It's certainly within the purview of this body to be able to stop the meeting at any time that they want to. We do have an executive session that we probably need to be able to get into. My guess is we're probably an hour in that executive session, that would put you at 12:30, so if we get through these things in 45 minutes you're probably still okay. >> Pool: Okay, thank you. >> Mayor Adler: Let's continue now on item no. 7. Mr. Zimmerman? >> Zimmerman: Thank you, Mr. Mayor. There's been quite a bit of discussion on this. We had our public safety shallow dive policy discussion on Monday, and some of the issues of wildfire were just kind of brought up and discussed. I would like to see this get more attention in the public safety committee. That would be my wish, but if you could lay out why you think this would be an urgent item. Is there an argument for urgency here we don't know about? >> Yes, council member and mayor, Brenda May Cur, Austin fire chief afternoon to my left is Matt Orca who is assistant chief and has the wildfire division under miss responsibility, as part of his silo. There is some sense of urgency here. We have promotional lists that will be expiring, and once those promotional lists expire we do not have -- currently have a process in

[11:22:18 AM]

place that replaces those lists, and there are no tests currently scheduled. We're working on that right now. So we would not be able to fill any of those positions and individuals that are on the list are -- would not get promoted and it would die. So there are several lists that expire within the period of time. The division chief list, which is the one most important where I'm trying to create those two division chief positions to help with oversight in the department, expires on 5/19. The captain's list, which would result in this trickle down promotion, expires on the 14th of April. Lieutenant's list which would be impacted, expires on the 28th of April, and then the fire specialist list expires on the 1st of May. So that's one of the reasons why -- and then the other part of that is that the wild land division is really -- doesn't have that sort of direct uniformed, other than chiefhorta, supervision or leadership, and that's where we're trying to go with the reorganization, is put a uniformed high-level manager in charge of the wild land division. We had a civilian subject matter expert that worked with us for two years that helped us stand up the division, and he has since left the -- he resigned, has left the organization, so this is part of that reorg as well as if you look, there's another division chief position, and that's going over into the operations world to handle some of -- about 85% of the department works under operations, and we're trying to do a better division of labor, if you will. >> Zimmerman: There's been a little bit of criticism that the department is already kind of management top heavy. Obviously you would disagree with that because we're adding more upper management, but -- and there

[11:24:18 AM]

is a lot of opinions on this. I'd really love to get some expert opinion. There are some people that are saying that they think the wildfire department would actually lose focus if this reorganization happened, but I'd like to get the expert voices to come in and talk to that. >> And so let me address some of those comments. First of all, we are not really adding a number of management. We're taking a battalion chief, which is a manager, and we're turning that into -- into the division chief, and we had a manager that left the department, and one left, which is the civilian manager, and we're making one of those a uniform. So technically we're not increasing the number of management in the department -- it's not like we're becoming top heavy. We're just reorganizing where these managers are going to reside, and in this case we're turning a civilian into a classified position. So we're not really making that many more. And the department -- the wild land division, by adding that division chief, we're actually going to increase the focus because they'll be better able to supervise not only the wild land division but also community outreach. And I know that in some cases there has been discussion about that that community outreach will be part of losing the focus, but in reality a lot of our work, and I think this comment was made yesterday, is that we can't only be reactive, we have to be preventive, and a lot of our focus with the wildfire division is being preventive, and it is about community outreach. It is about establishing fire adapted communities. It is about having fire-wise homes and people understanding what they can do -- how they can do their part. And so that's all about community outreach as well as it is wildfire. So that's an important part

[11:26:19 AM]

of what we do and that having those two working together, not merged but working together, to achieve our successes is really important. So I don't think we're losing focus. In fact, I think we're going to sharpen that focus. >> Mayor Adler: Ms. Garza and then Ms. Houston. >> Garza: I guess I am -- I'm not -- I feel like we are losing focus, because my understanding is we're taking two positions from wild land and putting them -- and making those two positions division chiefs. And so that division chief would be over two separate departments, so we're taking two wild land employees, one uniformed and one not, and moving them to headquarters. Is that right? Is that a right -- >> You know, the total decision as to whether somebody resides hasn't even totally been made, but we are also adding a full-time administrative senior specialist, so somebody that's going to provide the support to the wild land department, which is something that they've been asking for for a while. And so we're not -- you know, I mean, I have a battalion chief in community outreach, and I will not have a battalion chief necessarily in wildfire, but there's nothing to stop me from moving the battalion chief from community outreach over to wildfire. So, you know, it's not so much where the person is going to sit, it's about who's in that part of the organizational chart to help us achieve our mission. >> I also understand that the battalion chief in wild land was transferred from recruiting. Is that right? So recruiting right now does not have a battalion chief. >> I think that's correct, it's been a while, but yes, I think he came from -- came from recruiting, and we put

[11:28:20 AM]

him over in wildfire. And, you know, one of our challenges has been from the labor association, that having a civilian heading up the wildfire division, and so we are answering to that -- we're responding to that concern as well. And so -- and there's a bit of sustainability. In a lot of cases in the city of Austin, or at least in the fire department, individuals get assigned to a staff position and their commitment is only for two years and then they want to go back out to operations. So we spend two years training, certifying, credentialing that battalion chief, and then their two years is up and there's not much I can do -- you know, I have the right of who gets assigned where, but, you know, there's a rotation. So I don't

have that sustainability. And when I put a division chief over that division, then I don't lose that. I have that sustainability. And I have that higher level of command presence, if you will. >> Is there a requirement for that battalion chief to be credentialed to that level, that looks over that, if it's a managerial position? Are they required to be credentialed? >> It would be in our best interest that the person that's overseeing that -- just like we put a battalion chief in communications, we put battalion chiefs in ed services, it's in our best interest that they get those credentials, that they get those certifications, that they gain some of that subject matter expertise. >> But it's not required? >> It's not required in some cases, no, it's not. >> Okay. And I guess my concern is we've taken a battalion chief away from recruiting, moved them to wildfire and now we're taking that battalion chief away possibly with this proposal, and I guess the recruiting one is I'm concerned with, when we're under consent decree and we're having to fit all these requirements under a consent decree and we've taken a direct line of management away from our recruiting department.

[11:30:21 AM]

I also -- my understanding from the 2011-2012 budget was this was a beginning phase of getting our wild land department ramped up because of the huge fires that were seen that year. And so I'm concerned that this might be a step back. We made these efforts to ramp up our wild land division, to get the staff there when Austin is like the third -- what is it, the third city, biggest risk for wild land fires, and now we're taking a step back and taking those positions away. And so I'm -- so how is -- is this going to affect us moving along in that process of having a strong wild land department? >> No, I mean, I honestly think that in my opinion it's going to help us continue to move forward. And, you know, there's nothing to say that, like I said, that as -- as our needs change and as we continue to try to move forward, and you're right, wild land is a big issue for us. We have a lot of wild land urban interface, but we also have a lot of other issues in protecting this big city with the many different tasks. And so I have to reorganize each time we see our mission changing and moving a little bit, and I don't think that this is stepping back from that wild land mission at all. In fact, you know, it's going forward with putting a higher level uniformed over that division instead of the civilian. So we're not stepping back in that way at all, and that there's still a battalion chief that's working in that silo, if you will, that's in community outreach. In regard to recruiting, we move them over like with ed services, because they're so close to training and that's where they come in and go out. We are not lowering any Numbers at all of those folks that are in recruiting. In fact, one of the positions -- or two of the positions that we're asking

[11:32:21 AM]

the fire specialists positions, that's an upgrade for those individuals in recruiting, and it's just a little higher level than individual with a skill set that can help us with recruiting. >> Garza: Okay. Oh, I am -- I think I'm going to agree with council member Zimmerman that this is something maybe we should talk about in the public safety committee, because as a former firefighter I knew my battalion chiefs but I didn't know my division chiefs and I'm concerned about taking kind of boots off the ground to move up to a different level, and so that's what I'm going to be supporting, is vetting this out on the committee level. >> Council member Houston? >> Houston: Thank you, chief. Thank you for being here today, and I'm not a subject matter expert like council member Garza, but I do have some questions. What is the financial implication? Is this financial neutral? >> This is -- for the next six months it is -- or the rest of this fiscal year it's -- financial is actually neutral. It's a negative of about \$41,000. And then in the next year for the total year the cost is about \$42,7000. Sustaining. >> Additional? >> Right. >> Houston: As you know, one of my concerns is about the consent decree, and the fact that we have no compliance officer to ensure that as a department the members of the fire department are aware of what the

consent decree says and that we're trying to monitor that and target those things so that we know where we should be and where we are and how much farther we have to go. And so as I look at wildfires or something that we're all concerned about, but also how we're complying with the consent decree that

[11:34:22 AM]

the city is under, and I didn't see that indicated. The other thing that I'm concerned about is moving firefighters -- removing firefighter positions to be able to accomplish this reorganization or upgrade of the positions. So help me understand, if we're trying to hire a diverse fire fighting department, how this helps diversify that when we remove these positions and transfer them to make division chiefs or battalion chiefs. >> So the firefighter positions, all the ones that we're asking you to reclassify to fire specialist, all come out of staff positions. The firefighters are currently assigned to recruiting, will just -- those positions, and they're vacant right now -- those positions will become fire specialists. So we're not pulling people out of operations in order to create those -- that division chief -- the one division chief position. It came out of staff. So we're not diminishing the operation side of it. The fire specialist positions, and let me start there, the ones that are going to be in recruiting and community outreach, those are vacant positions right now. Firefighters do not -- they've been vacant for almost a year and a half, two years, and we haven't pulled out of operations, you know, or assigned somebody there just because nobody wants to be there, and secondly, you know, we're so short staffed. Now, as you know, we started a class yesterday so there's 40 eager men and women that are currently in cadet academy right now, but what we're trying to do is improve the consistency again in those staff positions so that it will be a promoted position. So if somebody gets promoted

[11:36:22 AM]

to fire specialist, then they're -- on that promotional list they go to one of those staff assignments, and then their commitment is there for two years. So I don't have a constant vacant position in recruiting, in community outreach, in critical positions. In regard to improving our diversity, I'm always trying to make sure that that happens. I can only promote off of current promotional lists, and those are established either by local government code chapter 143, or as you know, through our collective bargaining agreement, how lists are established, and then I always have to promote from the top of the list through the list. There is some diversity in some of our promotional lists. There is not any diversity in the division chief list. There is -- there are some -- there will be some diversity in battalion chief promotions as they come up in the next few months, and I'm trying to remember -- I don't know the diversity or the demographics of the captains or the lieutenants list. >> Houston: Thank you. So would you talk just a moment about how we are complying with the department of justice -- >> Oh, yes, I'm sorry. And so our department, how we're complying with that consent decree is -- and I think some of it -- >> Houston: Now how we're complying, how we're tracking. >> Right. So the tracking is going on all the time. The compliance officer for the consent decree actually is residing in the legal department. Within the fire department are -- we have people that are going to be tracking on -- once we hire those individuals and their pay and, you know, who they are, where they are, making those reports to the department of justice. So we do have individuals and one of my assistant directors, Dr. Rene L, L

[11:38:22 AM]

Paulson, has been working very thoroughly and very deeply with both our legal department and with the department of justice. And maybe our lack of communication with the workforce may have caused

some confusion with our African American firefighters, and so part of having a better division of labor in the operations side helps us improve communications, because right now you have an assistant chief that has 800 and something firefighters of the department under their silo, and it's difficult to have -- you know, touch people kind of communication, and that's what we're trying to do, is improve our communication as well as that span of control and division of labor. >> Houston: Thank you. >> Mayor Adler: Okay, Mr. Renteria? >> Renteria: Can you tell me if we referred this to committee, what would be the -- would there be any kind of negative effect or what -- what would be the outcome if we delayed it for a couple months? >> Well, the outcome is that these lists expire, and individuals don't -- they lose those promotions, and that I don't do the reorganization, and so the wildfire division doesn't have any leadership, you know, at that level that I'm trying to obtain. The -- and like I said, the lists are going to expire, so I won't have an ability to promote those individuals within the time frames that those lists expire, and those lists were, you know, established through the promotional process, through local code chapter 143. Mr. Zimmerma N? >> Zimmerman: Yes, could we go back to the promotional list?

[11:40:22 AM]

I don't understand why the promotional list wouldn't be coordinated, say, with the fiscal year, because - - because if you're doing -- thinking about promotions in general, you know, there would be budget requirements, right, associated with those. So why wouldn't those be synchronized with the financial year and the budget talks? This is what doesn't make sense about the list expiring, you know, where we have to do something right now instead of considering it with the budget. >> Well, the list is the on ethe establishment of a list isn't really tied to the budget. The promotions would be tied to the budget in regard to -- so you always have a list because in the middle of the year somebody leaves, and so we're constantly promoting it. Like, for example -- and I don't have the sheet in front of me, but I think that we have promoted over 35 drivers this year, and that's all through attrition and retirement. It's not through creating new positions. The law requires that we establish a list within -- >> Within your same budget when you make those promotions -- >> That's correct. That's correct. >> Zimmerman: Okay. But -- I'm sorry. Before you go on, yeah, obviously if somebody retires, if there's attrition, obviously you have a promotional list, oh, here's the next person ready to go into that position. That's not what we're talking about here. What we're talking about here is creating, right, additional management positions. This is a reorganization and creating more management positions, and that seems like that would have to be in the budget cycle, right? >> Well, but it -- right now it's -- I'm not asking for a budget change. I'm just asking -- the law requires me to ask you to reclassify positions. I'm not asking for a budget amendment. I'm not asking for any more money. We're doing this -- the way that we've arranged it, it's a negative impact in this year's budget. Next year's budget is a different story. I haven't asked for that budget yet, but it's a

[11:42:23 AM]

\$42,000 difference. >> Zimmerman: Okay. So again, there is a budget involved. The fact that people are being shuffled and reorganized, this is a budget matter when you add upper management. It's a budget matter. And so I think it should be part of the budget discussion coming up. >> Well, again, it's not a budget impact, and so it's just how I want to organize my department. I'm sorry -- >> Zimmerman: It's not a budget impact because you're rearranging and eliminating some positions, but it is a budget -- it will be when the budget cycle comes up. We've established that. So by virtue of the fact that some people are being eliminated so that it doesn't have an immediate budget effect, it's still a budget item. >> Well, and first of all nobody is being eliminated. So we're not losing -- we're not eliminating somebody, and the -- some of the -- a great deal of the money is from a civilian manager that left the

organization. So there's not -- we're not eliminating a battalion chief. We're eliminating one battalion chief position, but we're not eliminating that person. Battalion chiefs are going to be promoted as a result of the reorganization. >> Mayor Adler: Manager, did you want to say something, Ms. Morgan? >> No, I don't, and I'm not sure what else the chief will say. Certainly we'll entertain any additional questions but I just want to acknowledge I think she's done a very good job explaining the rationale behind her reorganization. I do recall when we first began our conversations about the wildfire division, I mean, that was -- that was, to say the least, a very elevated and intense discussion, and as I recognize the public safety -- rek the -- rek elect the public safety committee was on the front end of that conversation talking both with the chief and members of council at that time. So there was a great deal of pressure, as I remember, chief, to get that in place. I recall we did shuffling of

[11:44:25 AM]

resources to make that happen, to get it started in the -- in the early days, and so I think what the chief is trying to do today is to continue that elevation of our wildfire program, among other things, as one of her top priorities, both in terms of our ability to respond operationally in an organized manner but also prior to that, and we always hope to be in a position to prevent, to do those things issues carry out those programs that hopefully would make the likelihood of those kinds of things, wildfires, less, although I recognize that, you know, we're always going to have to deal with those from time to time. So I think the chief -- chief's assertiveness here in terms of trying to reorganize in a way that's really going to enhance the program and do greater community outreach is consistent with the mission of the wildfire program. >> Mayor Adler: Any further questions on this item no. 7? Ms. Garza? >> Garza: Yeah, chief. I appreciate you -- I understand the need for consistency. I know how that works, how -- I know firefighters don't want to be in the staff position and they're ready to get out after their two years. My main concerns are it is eliminating two positions from the wild land, and one of those being a national expert that has really moved our wild land department along and ahead in a lot of ways. And so we're taking away that battalion chief and that wild land and adding a division chief. And I'm just curious if there's any alternative -- is there a way to do both of these? Is there a way to get you -- your division chief that can oversee and provide that consistency for the department but also not eliminate the wild land position? Again, when Austin is the third at highest risk for wild land fires. >> So the answer to your question is yes, and then -- but I also want to clarify a

[11:46:29 AM]

point that -- the individual that is currently the battalion chief in the wildfire division has announced his intention to want to go out to operations. So he's not going to stay in the wildfire division even if we kept the position. So it's -- it's not about the individual, it's about the position. And the good thing is, is that he will be out in operations and he'll still have that knowledge and we'll still be able to use that knowledge in an operations capacity. So we're not really losing anything, but we're not going to keep that expertise in the wildfire division as a staff assignment with that particular person. But yes, there's a way to do that, and we did some Numbers, and it would be about \$66,000 this year, and that's with the \$40,000 cost neutral negative, and then -- the reason it's that high is the additional salary and we'd have to purchase a vehicle, which is about a \$70,000 investment. It's a one-time capital investment. For the continuing years I believe the sustaining amount is about -- almost \$102,000 annually to keep that additional battalion chief position. >> Mayor Adler: Any further questions on item 7? All right. Does anyone want to prioritize and call another item from this? >> Mayor? >> Mayor Adler: Mr. Casar. Czar czar we're short on time so I want to address item 18 without staff questions. We submitted questions and I think we'll get those questions through in the q&a, but I wanted to indicate that once we do get

those answers, the reason I pulled this item is I want to indicate an interest in perhaps -- a short postponement or directing the our staff at the water utility to have a shorter contract for custodial services. The reason being that I know that our city has been working for a long time to be a model employer, but

[11:48:29 AM]

sometimes that comes with the tension of putting our own employees at a competitive disadvantage if contractors or subcontractors are willing to offer lower benefits or less pay, and it's been addressed in the backup that the full-time employees, the custodial service would need some of those same labor standards but we're waiting for some responses back as to how many full-time ploiz versus part-time employees. There's just some more information that I'm sure we'll receive from staff and will help inform my thinking on this, but I really do want -- considering this is a 21% increase from the last contract that we received, to make sure that we're doing our best to set an even standard so we can be both a model employer but also not put having in-house employees at a competitive disadvantage, and both council member kitchen and I have been very interested in ways that we can level the playing field for those that offer health care and a decent wage in town. So depending on the answers we get back I may indicate on Thursday to either postpone the item for a short period of time or for us to have a one-year contract to we can review the contract and perhaps look at policies in other cities like Houston where cities can sort of level the playing field for those contractors that pay -- health care and pay a decent wage. So I wanted to indicate that briefly and thank the water utility for getting back to me about some of the questions and hopefully we'll get all the answers by Thursday. We'll get some of them today but I know we have to go to executive session. And I don't know if we need to be posted for this, but I also don't know if we managed to acknowledge that it was the mayor's birthday yesterday, so I just wanted to give acknowledge him, maybe a little applause. >> Happy birthday. >> Casar: Sorry. [Laughter] >> Pool: So should we do him the favor? -- No, never mind. [Laughter] >> You know what?

[11:50:31 AM]

Council member Casar brought it up, so he gets --

♪♪ happy birthday to you

♪♪ happy birthday to you ♪♪

♪♪ happy birthday dear mayor

♪♪ happy birthday to you ♪♪ ♪♪ [applause] >> Mayor Adler: Thank you very much. Thank you. There were some questions that council member Gallo had on some of these items, and I think that we can post these to the question board and get those answered. So we'll follow up with those on some of these other items. Any other items to -- that council wants to discuss? >> So are we going to come back here after executive session? >> Mayor Adler: Well, if there aren't other items -- >> I want to discuss the items that I pulled. >> Mayor Adler: That's the question. Do you want to -- >> I have a really quick question about item 10. >> Mayor Adler: Okay. >> And they may have emailed me this and I'm sorry if I've -- oh, actually, this isn't the one that I had the quick question on but I'll make this quick too. I just -- [laughter] I kind of wanted to just understand, it looks like -- so this is a little over a million dollars for an 84 month lease of a building that we've leased since 2008. And I just wanted to understand at what point -- I think it comes out to about \$14,000 a month, and at what point -- how are we doing cost benefit analysis? At what point do we decide if this is something -- a permanent business of the city, at what point do we decide that we could purchase a property to serve this purpose? >> I'm John gallum, the libraries facilities process

[11:52:33 AM]

manager. The -- the bookstore program of the city of Austin is sort of a newcomer to our list of services that we provide, even though we have been leasing for a bit, we're much more familiar with building libraries, and when a lease space, library should probably be turned into a permanent home, the bookstore program was started to help us to keep from putting library materials into the landfill, and they've done a very good job of that and they've become rather beloved by the community and shopped a lot. And at least there's probably a demand for another bookstore to the -- in south Austin that we'll probably address sometime in the future. We generally are new buildings. Our new libraries are always funded through bond elections because of the amount of money it takes to -- you know, to pay for the land acquisition and design and construction. So I would have to say that since this -- the bookstore program has become such a viable part of our service provision, that that's probably the process for addressing the eventually, you know, building of a permanent home for it, with probably the -- it will be addressed in an upcoming bond program. I don't know how else to fund that, you know, the creation of a permanent city-owned facility for the bookstore, except by the way that we have created all our libraries. >> Troxclair: Okay. Hmmm. Yeah, okay, I mean, we've spent several million dollars on this particular space.

[11:54:33 AM]

It seems -- I just assumed that there was some kind of cost benefit analysis that happened on all -- you know, in real estate transactions to make a judgment call of does it make sense -- at what point does it make sense to buy a space. And I don't know, I mean, for this purpose it seems like there would be existing spaces that the city could buy. I don't -- I wouldn't imagine that we would have to build something from the ground up as part of a bond program, but I was really just -- and I'm not at all questioning the purpose of this particular building or this particular item. I just thought that there might be more background of at what point do we say, okay, we've spent \$5 million on this lease. We could have -- we could have bought a property for less than that. >> Council member, there's a team called the strategic facilities team, and we have been in the last two years evaluating properties, and we hope to come to council in the next couple of months and give recommendations and prioritization of needs of spaces that we want to move from lease to purchase. >> Not just in regard to this property but we're looking across the board, because the city has a lot of leases for space, and so your question is well-taken in the cost benefit analysis, is the threshold question that needs to be answered in each of those cases. >> Troxclair: Okay. Great. >> Mr. Mayor? >> Mayor Adler: Ms. Houston and then Ms. Tovo. >> Houston: Thank you so much for being here, and I have a question. Do you all consider at all partnering with other jurisdictions to house some of your books in various parts of the area so that people in the community can get to them, rather than buying or leasing a property, is collocating with some other jurisdiction, like a school or art facility? >> I'm going to let Mindy reed, who is our actual

[11:56:34 AM]

operator of the recycled bookstore, answer that question for you. >> Well, thank you. Can I put this on? >> Mayor Adler: Now it's on. >> Thank you for having me, and I'm really, really proud that we've really created a national model for the handling of decommissioned materials, not just from the library but what the public brings to us, and we were very -- we work very, very closely with the materials management department. We work very closely with Austin resource recovery, and we work very closely with legal to make sure that we are handling city purchased property within ordinances that say what we can and can't do with properties. So to answer your question, yes, we do that internally, and

how we do that externally in order to make sure, I mean, we have a saying that says the community mass discovered sometimes that it's -- the community has discovered sometimes that it's better to receive than give, and what I say is that there are many organizations and schools that get inundated with materials that don't meet their mission, and so a big service that we provide to them is by being a place where they can bring things that actually don't meet their mission, and that way we can encourage the supporters of those, whether it be inside books, whether it be pta organizations with schools, to purchase gift certificates so that they can come and get exactly the materials they need that satisfy their mission as opposed to just saying, you know, here they are. So yes, both from the fiscal responsibilities we have with material management and the extended services we provide the public, I think we're meeting those thresholds. >> Houston: So that answer is yes, no, maybe, that we've thought about -- [laughter] >> We've definitely thought. Because we are approached all the time.

[11:58:34 AM]

What we find, especially in our work with the schools, the teachers are absolutely thrilled that they have a place that they can come and purchase materials, anywhere from 20 cents to 50 cents to supplement their classrooms, and organizations are thrilled that they can come and make those purchases and make those materials available to the school, or that we can have walgreen's out in the community where -- programs out in the community where we can go out and teach them how to repurpose materials. So we are actively involved, and through our branches, we have satellite stores, so that in every community they have the opportunity to have access to those materials. >> Houston: So let me ask this at way. So where are your satellite stores? What kinds of facilities do you use? >> So they're in the library branches themselves. >> Houston: Okay. So we don't use currently collocating with schools or pard facilities? >> Not at this time, but it's certainly something that we would. >> Mayor Adler: I don't remember who was next. I think it was Ms. Tovo senate. >> Tovo: I saw councilmember troxclair asked questions too about the kind of economic value, and I thought I remembered from one budget cycle, maybe 2012, that actually recycled reads does pretty equal financially, it certainly fulfills a lot of the other missions and our goal of being a sustainable city and encouraging literacy and all the other great things it does, but I thought it also did pretty well financially. Is that accurate? >> Well, I would say, in pure accounting Numbers, do our -- does our over-- did the sales figures compensate for the overhead to run it? And the answer to that, quite honestly, is no, it doesn't. However, I'm going -- keeping in mind we are not an enterprise

[12:00:36 PM]

department and that we provide services that it's very, very hard to monetize or quantify, for example, being a recycling and repurposing facility for all of the -- Austin, not having to store telephone an annual book material for an annualbookstore, I want to be careful to say, yes, it's a money maker, but it does maximize the use of the materials that have been bought so we are getting our best due diligence out of those. >> Tovo: Thank you. >> Mayor Adler: Mr. Zimmerman and then Ms. Pool. >> Zimmerman: We had pulled this too because I'm really very concerned that this falls into another way of creeping unintended growth of the Austin government and the taxes that we're forced to pay. I look at this project as -- you've heard this expression the death by a thousand cuts, that the taxpayers are being driven out of the city. And it's not any one big particular thing. It's a million dollars at a time, 5 million, 2 million, half a million. When you add all those up, you get an unaffordable tax bill. But in particular what bothers me about this whole thing, the book sales program, the Austin public library, what I've heard from the discussions, we have companies doing this. Have you ever heard of half price books? >> Yes. >> Zimmerman: They take in used and recycled materials, pay a small amount, put them back up for sale.

They're not alone. There are other companies and bookstores that do this. This seems like a terribly unfair thing to do to those local companies that are doing this service and making a small profit and serving the community. Now we're coming in with a taxpayer supported competitive organization kind of doing the same same thing. >> Well, first let me address the other companies that are doing it. One of the things that we've made a commitment to is to

[12:02:38 PM]

landfill initiative so we are able to certify with the people we recycle with downstream that nothing is going into the landfill. That has become a big part of the initiatives that we provide the other thing is that we are able to provide services with a staff of 3 f.t.e.s. That's the total staffing at the store. That allows us to do things that if we didn't do it probably would have to be absorbed by other departments such as Austin resource recovery, who does provide us a stipend because we're offsetting some of the labor costs they would have to incur if they would do this. Because the truth of the matter is that not every single thing has resale value. I mean, we're dealing with the moldy -- we're providing a huge service. When people drive up and say I'm having to move my folks into a retirement center and these books have been kept in attics and sheds that we're actually able to provide a service of great value that, as I said, we haven't monetized, you know. >> Zimmerman: So where does it end? Is the idea that no printed material is ever allowed to be disposed of? There's obligation and responsibility to keep storing and -- from what I'm hearing -- >> We don't keep storing it. That's the thing. We don't keep storing it. It is utilized right away and we make the determination. So that's why we don't have -- I mean, we have 2,000 square feet of storage in that whole facility. We're not storing tens of thousands of books. We're moving them through very quickly. >> Pool: I just wanted to say that when recycled reads opened, it was important to the community when that happened. I thought that the city rolled it out really well. And since then it has been a tremendous success as Ms. Reed

[12:04:38 PM]

has pointed out with teachers who frequently have to use their own funds to buy books and supplies for the classroom, and we know why that is. There are books there that you won't find at some other resale area -- stores because they won't accept them. And I would guess that the prices at recycled reads is lower than half price books; is that correct? >> Mm-hmm. >> Pool: So we are providing a service that the community has welcomed with open arms, and that's because of how well it's been handled by our library staff and I commend you all for the model program that you have. The one close to me is on Burnett road. That was the only one. >> The only one right now is on Burnett road except for satellites within the branches. >> Pool: That's near the dps license renewal center. So I echo what Ms. Reed said. Come visit recycled reads. It's a great facility, and I thank you all for the work that you're doing for the community there. >> Mayor Adler: Ms. Troxclair. >> Troxclair: Again my original question was really just about real estate practices of the city, not really specific to this item. So the report that you mentioned or, I guess, the discussion that you mentioned would be coming from. [Council, do you know when we can expect that? >> We're hoping to have it within the next month or so, just depending on the committees being set up and how that process is set up. >> Troxclair: Okay. Thank you so much. >> Also, council, if I can add one thing to councilmember Zimmerman. Even though we're asking you to pass this lease, every year we have a clause in all our leases that the next year's contingent on council approving that money many the budget, so there is always another place for councilmembers to relook at these leases. >> Zimmerman: So are you saying

[12:06:40 PM]

the seven year lease has an escape clause where you can get out of the lease every year? >> Yes, sir. Every lease we have with the city has that in there. >> Zimmerman: Okay. Of course where would that argument come from? I'm making the argument now, I don't think the city should be many this business, but where is the political will going to come from? Councilmember pool expresses strong support for this. I express strong opposition. Where is the political will going to come from for ever eliminating a program? Remember one famous politician says "There's nothing so permanent as a temporary government program. ." >> If I may on behalf, it's certainly not going to come from staff and we certainly look forward into future conversation that this council might have in that regard. >> Mayor Adler: Anything else on this item ten. All right, move past ten. Is there therefore was another one you wanted to raise? It's ten after 12:00 now. >> Renteria: What's bothering me right now is item 16, why are we having to pay for moving the water lines because txdot is going to build a tow room? >> Mayor Adler: Ms. Troxclair, let's let him -- >> Troxclair: Oh, yeah. I'm good. >> Gregory Miller from law department. The reason we have to pay is that it's statutorily mandated we pay 50% of the relocation costs. >> Renteria: Oh, okay. That's all wanted to find out there. [Laughter] >> Mayor Adler: You're good. Okay. Ms. Troxclair. >> Troxclair: Okay. It's statutorily mandated, but that's not the beginning of the -- in this particular case, we signed an agreement with

[12:08:42 PM]

txdot so we -- they allowed us to build water infrastructure in their right-of-way. And, I guess, a part of that agreement is that if they needed their right-of-way back, we would move. >> That's right. >> Troxclair: So my question is, how many other city facilities do we have in txdot right-of-way? >> I can't speak to the exact amount but it's fairly common. That's the most accessible place to do all your utility work is alongside or underneath transportation facilities. >> Troxclair: So, I mean, we plan -- when we make the decision to build those facilities and right-of-way, knowing that they may be moved at some point -- I mean how many of them end up needing to be moved and do we budget for that when we make the initial decision to build in the right-of-way? >> I can't speak to budgeting. I can say that this is very longstanding practice throughout the state of Texas. It's -- like I said it's in the statutes to address how this happens. It's a daily occurrence. I won't go any further because I don't know the Numbers to that. Does anybody? >> Councilmember, public works director. Mr. Miller cited that many of our large transmission facilities are in txdot right-of-way and it makes sense that they're there. I won't initially speak on behalf of the water utility, but they have a requirement to provide services citywide as the city continues to grow. Many of those facilities need to be replaced. It's part of their capital planning process. Txdot is expanding with 71 to meet the mobility needs of the city and part of that commitment that we have is to relocate our facilities that are in the

[12:10:42 PM]

right-of-way. It is planned for -- to the extent that you can anticipate, but as the city continues to grow and we find solutions to many of our problems, some of the utilities have to be moved. >> Troxclair: So normally the city agrees to bear the burden of any relocation. In this case it's txdot that's agreeing to pay us 50%, into the we're having to pay 50%. We made the initial agreement that we would cover the cost, and they're agreeing to reimburse -- or to pay for 50% of the cost; is that right? >> That's correct. I would also point out that when other utilities have their facilities in our right-of-way they pay to move them as well so you get it on both sides. >> Troxclair: Why this this case is txdot agreeing to pay that 50%? If this is really common if it's normally, you know, the entity that is encroaching the right-of-way that pays for it, why is txdot paying 50%? >> The way the constitute works if there's a relocation

required for a toll project that is split 5050 between txdot and the owner of the facilities. >> So the toll project do we recuperate -- we don't get any of the -- >> We're not a part of the toll agreement. >> Troxclair: Thank you. >> Mayor Adler: Okay. That's number 16. Do we want to keep going here? Do we want to break? If we break, do we want to come back? Those are the questions in front of us. Did anyone have other items you want to do questions about? Ms. Troxclair, I think you do. >> Troxclair: I do. >> Mayor Adler: How many items do you have? >> Troxclair: I really only have 26 and 27. 23 I can probably get answers. >> Mayor Adler: Okay. Let's see if we can do 26 and 27 quickly and then we'll break then for the executive session.

[12:12:47 PM]

>> Hi. >> Mayor Adler: Your question on 26. >> Troxclair: So I wanted to better understand. The city is entering into a you in agreement with national joint powers alliance, which it sounds like it allows the city to basically -- that alliance other cities are members and it increases your purchasing power, right? Have we been a part of this organization before? Or . . . >> James Gasher, purchasing. National joint power's alliance is a national cooperative, quasi-governmental organization established in Minnesota, been around for a anybody of years and essentially they establish contracts that are used by state and local governments across the country. We have experience with them. I'm not sure we're participating under anything currently, but the item 26 is the interlocal agreement. So that's a non-expenditure agreement between us and njpa to avail us to their contracts and 27 would be the actual contract available through that association with Grainger. >> Troxclair: So explain to me that relationship. >> Sure. >> Troxclair: In understanding the service that's Grainger provides us it seems very similar to the service that's national joint powers alliance is providing. >> Right. >> Troxclair: How does that relationship work? >> The agreement in -- covered under item 26 is -- it's included in the backup. It's a very short administrative agreement. And it connects the city of Austin with national joint powers alliance. The item in number 27 would be between us and Grainger. So it creates the commercial contract between us and Grainger

[12:14:49 PM]

and includes all the commercial clauses, the operational clauses, so forth. So we're one -- where one establishes similar to an intergovernmental agreement, agreement between us and njpa, the other is the contract that we would make expenditures under, that we would recognize if there was any compliance issues and what have you. So the agreement under the -- the contract under 27 is the contract. The number 26 is the agreement between organizations, between city of Austin and njpa. >> Troxclair: So in number 27 because it's a huge contract, \$21 million. >> Yes, ma'am. >> Troxclair: That a relationship -- is this a relationship we have been in or initiating a new relationship with Grainger? It looks like we have been in a relationship with them already. >> We have. We are currently under contract with them now. That contract is expiring. We accessed them previously also under a cooperative contract but that contract was expiring, it was a chance for us to go out to the market and see what other avenues were available to us. Because cooperative contracts are unique in that they can aggregate volume that no one government could possibly aggregate, in certain industries, certain markets, they have proven to be the vehicle of choice. And so we looked at a number of cooperative contracts and have had other cooperative contracts both with Grainger and with other providers. And this proved to be the best bang for your buck for the city. >> Troxclair: Okay, yeah. >> Mayor Adler: Is this already in the budget? >> For this fiscal year, yes, sir. >> Troxclair: What do we expect to get for \$21 million. >> That's over the aggregate life of the contract. The spend is -- it's for multiple departments, but it's predominantly for industrial supplies, consumables that are

[12:16:50 PM]

most commonly incurred by facilities and tents department, water, Austin energy and so forth. Again, just a wide variety of products used for industrial purposes. >> Troxclair: Okay. And you said that the city has looked at not only grainger but other opportunities? This is the opportunity that we feel like is the best. >> Correct come into that we're getting the best return on our development? >> Correct we have contracts with other providers under other cooperative contracts, cooperative associations those are not yet expiring so we still have access to those. For grainger, which we happen to use the most of and historically we've used the most of, that particular contract was expiring so it required us to go back out to the mark. >> Troxclair: It looks like this item already went through boards and commissions process, went through the airport advisory board and water and wastewater commission? >> I don't have that information in my item. I apologize. >> Troxclair: You answered most of my questions. Thank you so much. >> Okay. Thank you. >> Mayor Adler: Any other questions on this item? Any other things to discuss on the report agenda? Then the city council will go into closed session to take up three items pursuant to section 551074 of the government code, city council will discuss the following item, item a1 personnel matters related to the appointment of an entity requirement municipal court clerk and related compensation and benefits. Pursuant to section 551.071 of the government code city council will consult with legal council regarding issues related to open government matters, that's item a2, and a3, legal issues related to Sanchez et Al. Verses city of Austin, cause number a11cv993ly in the western district of

[12:18:51 PM]

Texas. Any objectives to going into executive session? Hearing none, council will now go into executive session. Let's convene in 12 minutes, say 12:30 back, give everybody a quick little break. 1230 executive session. [Council is in executive session] [Executive session]

[12:29:54 PM]

.

[2:06:59 PM]

Icap test caption ...returning to upstream...

[2:13:36 PM]

>> Mayor Adler: It is now 2:12, we are back in the board and commission room, today is March 24, 2015. There is no quorum present. And therefore, this meeting stands adjourned.